

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DONNA CURLING, ET AL.,

Plaintiffs,

CIVIL ACTION FILE
NO. 1:17-CV-2989-AT

vs.

BRAD RAFFENSPERGER, ET AL.,

Defendants.

VIDEO-RECORDED 30(b)(6) DEPOSITION
TAKEN VIA VIDEOCONFERENCE OF
GEORGIA SECRETARY OF STATES' OFFICE

BY: SANFORD MERRITT BEAVER

AND

SANFORD MERRITT BEAVER

IN HIS PERSONAL CAPACITY

(Taken by Plaintiffs)

Atlanta, Georgia

Wednesday, February 2, 2022

9:08 a.m.

Reported stenographically by
V. Dario Stanziola, CCR (GA)(NJ), RPR, CRR

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VIDEO-RECORDED 30 (b) (6) DEPOSITION

TAKEN VIA VIDEOCONFERENCE OF GEORGIA SECRETARY OF
STATES' OFFICE BY: SANFORD MERRITT BEAVER AND
SANFORD MERRITT BEAVER IN HIS PERSONAL CAPACITY,
a witness called on behalf of the Plaintiffs,
before V. Dario Stanziola, CCR (GA)(NJ), RPR,
CRR, with the deponent located in Atlanta,
Georgia, on Wednesday, February 2, 2022,
commencing at 9:08 a.m.

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1 THE VIDEOGRAPHER: We are on the record
2 February 2nd, 2022 at approximately
3 9:08 a.m. Eastern time. This will be
4 volume II to the 30(b)(6) videotaped
5 deposition of the Secretary of State's
6 office. The representative today will be
7 Merritt Beaver. Will counsel please
8 identify themselves and who they represent
9 for the record.

10 MR. CROSS: This is David Cross of
11 Morrison & Foerster for the Curling
12 plaintiffs.

13 MR. DENTON: This is Alexander Denton
14 of Robbins Alloy Belinfante Littlefield for
15 the state defendants.

16 THE VIDEOGRAPHER: Will the court
17 reporter please swear in the witness.

18 (OATH ADMINISTERED.)

19 SANFORD MERRITT BEAVER,
20 having first been duly sworn, was examined and
21 testified as follows:

22 EXAMINATION

23 BY MR. CROSS:

24 Q. Good morning, Mr. Beaver.

25 Are we picking you up okay?

1 THE STENOGRAPHER: I can't hear him.

2 A. Can you hear me?

3 Q. You kind of cut in and out I think with
4 the microphone.

5 A. I can sit closer.

6 Is that -- is that better?

7 Q. Little bit. It tends to lose the first
8 word or two is what I hear.

9 A. I'm not sure what -- what to do for
10 you.

11 THE VIDEOGRAPHER: I can walk him
12 through making a quick adjustment, counsel,
13 that it should help. Would you like to --
14 it could -- it's pretty quick. We can do
15 it on the record or go ahead and go off
16 real fast.

17 MR. CROSS: We can go off.

18 THE VIDEOGRAPHER: The time is 9:10.
19 We're off the record.

20 (A DISCUSSION WAS HELD OFF THE RECORD.)

21 THE VIDEOGRAPHER: The time is 9:11.
22 We're back on the record.

23 BY MR. CROSS:

24 Q. Good morning, Mr. Beaver.

25 A. Good morning.

1 Q. Have you been deposed before?

2 Sorry, did you say yes?

3 Yeah, we're not getting that.

4 Yeah, let's go off the record. Your
5 mic's not working.

6 THE VIDEOGRAPHER: The time is 9:11.

7 We're off the record.

8 (A DISCUSSION WAS HELD OFF THE RECORD.)

9 THE VIDEOGRAPHER: The time is 9:13.

10 We're back on the record.

11 BY MR. CROSS:

12 Q. All right. Good morning, Mr. Beaver.
13 We'll try this again.

14 A. Good morning again.

15 Q. And I think you said you have or have
16 not been deposed before?

17 A. I have been deposed before.

18 Q. Okay. All right. And did you meet
19 with counsel before your deposition today?

20 A. Yes.

21 Q. Okay. So do you understand that you're
22 testifying today not just in your personal
23 capacity, but as a representative of the
24 Secretary of State's office on particular topics?

25 A. Yes, I do.

1 Q. And do you understand that means that
2 you're testifying as to the knowledge and
3 information that the Secretary's has on those
4 topics?

5 A. Yes, I do.

6 Q. Okay. So do you have exhibit share up
7 in front of you?

8 A. No. I need to click on something?

9 Q. Oh.

10 MR. CROSS: Let's go off the record
11 again.

12 THE VIDEOGRAPHER: The time is 9:14
13 We're off the record.

14 (A DISCUSSION WAS HELD OFF THE RECORD.)

15 THE VIDEOGRAPHER: The time is 9:17.
16 We're back on the record.

17 (Exhibit 1: Curling Plaintiffs' Second
18 Amended Notice of Deposition of Office of
19 the Secretary of State marked for
20 identification, as of this date.)

21 BY MR. CROSS:

22 Q. Mr. Beaver, do you have Exhibit 1 in
23 front of you?

24 A. I do.

25 Q. Have you seen this document before?

1 You can flip through it.

2 A. This looks -- yeah, this looks like the
3 document that counsel had shown me before.

4 Q. Okay. So scroll down to -- oh, there
5 are no page numbers. The -- sorry about that.
6 The page that has amended topics on the top. It
7 looks like it's page 7 of the PDF.

8 A. I'm there.

9 Q. And do you see topic 1 reads,
10 Implementation and operation of Georgia's current
11 election system limited to the following
12 subtopics and then there's subtopic A; do you see
13 that?

14 A. Yes.

15 Q. And then subtopic B and C are at the
16 top of the next page.

17 Do you see that?

18 A. Yes.

19 Q. And do you understand you've been
20 designated by the Secretary's office to testify
21 today on topics 1 A, B and C?

22 A. Yes.

23 Q. Okay. And then scroll down to topic 10,
24 if you would, please, which is on page 14 of the
25 PDF.

1 A. I see. Yes.

2 Q. And do you understand you've been
3 designated to testify on that topic today?

4 A. Yes.

5 Q. And then if you come to the last topic,
6 18, on page 15; do you see that?

7 A. Yes.

8 Q. And do you understand you've been
9 designated to testify on that topic today as
10 well?

11 A. Yes.

12 Q. Are there any other topics in here that
13 you understand you're designated to testify on
14 today that we've not addressed?

15 A. Give me a moment. No.

16 Q. Okay. All right. Come back to topic
17 1A, if you would, please.

18 A. 1A. I'm here.

19 Q. And what did you do to prepare to
20 testify on topic 1A today?

21 A. I went and validated -- first off,
22 let's define malware. Malware is an application
23 program that runs on a computer that was
24 basically designed to do an action of some sort,
25 all right?

1 Malware must follow two tenets. It has
2 to follow the rules of physics, means it can't
3 just pop and arrive someplace without having some
4 way of getting there. It has to take digital
5 space. And it has to follow programming logic.
6 Somebody had to program it to do something.

7 And malware can't switch on its own
8 from being a banking malware that looks for
9 credit cards and all of a sudden be software that
10 grabs voter data. So it has a specific purpose.
11 So when they're speaking of malware is located on
12 the components of this -- the prior election
13 system, knowing that it's have to follow those
14 two tenets, it has to be physically there and it
15 has to follow programming logic, which means it
16 was designed to work on a Windows platform with
17 an access database.

18 Are we agreeing that's what we're
19 talking about here?

20 Q. You're the witness, Mr. Beaver. I will
21 defer to you as to how you want to define it.

22 A. Okay. That's what this question is
23 asking. Is it -- did we determine whether
24 malware is located on any component, all right?
25 We did not find any malware on that. But even if

1 there was malware on it, if it at any way managed
2 to get to a new platform, it would be inert,
3 meaning it would have no capabilities in the new
4 environment. Because based on this question, the
5 malware was targeting the old election system,
6 which was Windows-based using access database
7 application.

8 One of the smartest things that the
9 Georgia Secretary of State did was we moved to a
10 system that was completely different, meaning it
11 didn't use the same operating system, did not use
12 the application prior used, which means that
13 anything that was targeting that system would be
14 inert in a new system. But even knowing that, we
15 did make sure that it didn't exist.

16 Q. Okay. Let me -- we'll come back to that
17 answer. But let me come back to the question I
18 asked you. What did you do to prepare to testify
19 on topic 1A?

20 A. I validated with my team that we built
21 out a whole different system not connected at any
22 reason or physically or electronically to the old
23 system. We had no components of the old system,
24 no software, no data, no anything. And the
25 reason was the two systems were so different

1 there was absolutely nothing in the old system
2 that was useful in the new system. So there was
3 no reason to move any of that stuff over there.
4 The old system was old equipment. We didn't need
5 to use any old equipment. We started fresh. And
6 there was nothing on the old system that was
7 needed in the new system. So there was no effort
8 to even try to connect the two. Because it would
9 have made no value, added no value.

10 Q. When you say you validated this with
11 your team what did you do to validate that?

12 A. I met with my team, met with the people
13 that were actually hands on doing it, the work,
14 and validated this is the process we follow.

15 Q. When did you do that?

16 A. Probably at least two or three weeks
17 ago. Well -- and I -- we did it a long time ago
18 when we actually did the move. We met and talked
19 about how we were going to do it. That was back
20 when we actually built out the new system. We
21 did a whole plan as to how we would built --
22 would build it out. There was conversation of is
23 there anything needed from the old system? The
24 answer was no. Do we need any of the data on the
25 system? No. So there was no effort to even try

1 to do anything with the old system. When we
2 finished using the old system we just turned it
3 off.

4 Q. When did that happen?

5 A. We walked away from it.

6 Q. When did that happen?

7 When did you turn off the old system?

8 A. It was -- I'd have to go back and look.
9 I mean, I'd be guessing right now.

10 Q. Do you have any time frame?

11 Was it 2019 when you rolled out the new
12 system or was it 2020?

13 A. We had the old system still on -- I'll
14 say turned on. But we essentially -- we call it
15 put it over in the corner because nobody was
16 using it for about six months just in case there
17 was any questions about something that was done
18 in that system. So it would be somewhere towards
19 the end of '19, probably into early 2000 that we
20 literally unplugged it.

21 Q. And did servers from the old system sit
22 in the same environment as the new system at any
23 point?

24 A. Nope. They were in totally different
25 racks. In fact, the rack was on wheels. When we

1 finished we literally rolled it into a caged area
2 that was locked, pulled all the cables off of it
3 and left it in a secure area. So it -- nobody
4 could accidentally get into it. It would have
5 taken somebody from my group to go reset it up.

6 Q. Okay. Who did you meet with you said
7 about two or three weeks ago to validate this for
8 the system?

9 A. Who did I meet with? My director of
10 technology. My -- a couple of the people that
11 work with him.

12 Q. What's his name?

13 A. Jason Matthews.

14 Q. You said Jason Matthews?

15 A. Yeah, Jason Matthews.

16 Q. And who else did you meet with?

17 What are their names?

18 A. Ronnell Spearman and Kevin Fitts.

19 Q. And they are report to the director of
20 technology?

21 A. Yes.

22 Q. And were they the ones that were
23 responsible for setting up the -- the new system
24 and turning off the old one?

25 A. Ronnell was involved in that group,

1 Jason was involved in that group. I think Kevin
2 was more on the sidelines, was being informed as
3 to what was going on. He was part of the team
4 that -- that was more consulted as to what we
5 should do. But I don't know that he had any
6 hands-on.

7 Q. Do they have log-in credentials for the
8 Dominion EMS server at the state?

9 A. Yes.

10 Q. Do you?

11 A. No.

12 Q. Who else has log-in credentials for the
13 state Dominion EMS server?

14 A. On the -- it's called the
15 infrastructure team. Those are the IT people
16 that manage the servers. They're probably maybe
17 two, two other people.

18 Q. And they're on the infrastructure team?

19 A. Yes.

20 Q. Okay. Do you know if anyone in Michael
21 Barnes's office has log-in credentials?

22 A. I have one person that's on the
23 infrastructure team that works over in his group.
24 And I believe he does. His group is actually in
25 a different building. So we -- we have to have

1 somebody on site to support his group.

2 Q. You said there's no equipment used with
3 the old system that's used with the new system.
4 Did I understand that right?

5 A. Correct. The old system was
6 Windows-based running access. It's a very old
7 Windows 2000 environment. The new system is
8 Android-based.

9 Q. The -- the individuals who have log-in
10 credentials for the new system for the EMS
11 server, did you guys replace all of their laptop
12 computers, any electronic equipment that they use
13 for their work with respect to elections?

14 A. Are you saying the -- the people that
15 work over in the -- in election center? The
16 people that use this new environment?

17 Q. I'm saying anyone who has access or
18 uses this new environment, did you replace all of
19 their electronic equipment that they use for
20 their work? So computers, laptops, removable
21 media?

22 A. Yes, all -- all desktops, everything
23 connected to that new environment, including the
24 wires in the wall, were all brand new. The
25 desktop computers that they used to tie into it

1 were brand new. We started clean, fresh. We did
2 not take any chances by introducing anything old.

3 Q. And how do you -- I'm sorry. Go ahead.

4 A. We did not share any of the networking
5 infrastructure. That was all new.

6 Q. And are you saying -- you're also
7 saying that there is no data in the old system
8 that's used with the new system?

9 A. Correct. As I said, it's not
10 compatible.

11 Q. So how does that work for the data in
12 E-Net? Doesn't --

13 A. So -- so for the new system, we had to
14 go back to E-Net and get new data and bring it
15 over to the new system.

16 Q. All right. So how did you do that?

17 I thought you said there's no data from
18 the old system used in the new system?

19 A. The old system -- there are multiple
20 systems. Their E-Net is not the voter -- the
21 voter registration system. The question that
22 this test talks about is all of the ballot and
23 voting system, not the voter registration system.
24 So when you're speaking of the system, I need you
25 to tell me which system you're talking about. So

1 voter registration system is different than the
2 ballot generation system that feeds the -- the
3 vote-taking system, the voting system. It's two
4 complete environments. Two totally different
5 systems.

6 Q. So you don't --

7 A. The only thing that comes from one to
8 the other is E-Net will export information about
9 candidates over to the balloting system.

10 Q. Do you not consider Georgia's voter
11 registration system part of the state's election
12 system?

13 A. That is an umbrella statement. And
14 when you say the election system, there are
15 numerous systems. They're not tied together.
16 They're all independent systems that are run and
17 managed independently. So you can't apply
18 something about one system to the other system.
19 Operating systems are different, applications are
20 different. The actual users are different.

21 Q. So let me -- let me just make sure I
22 understand. I just want to see -- so does
23 Georgia's election system include the voter
24 registration database or that's something
25 separate?

1 A. So when you say the Georgia election
2 system, are you stating the system that collects
3 votes and builds ballots?

4 Q. I'm asking what you think of as the
5 election system as the chief information officer
6 for the Secretary, does that include the voter
7 registration database as you think of the
8 election system?

9 A. So as I said, when you -- when I hear
10 you say the election system, I hear an umbrella
11 that encompasses multiple systems. Each of those
12 systems are different and run on different
13 platforms, are run in different data centers,
14 have different security profiles.

15 Q. Is that a yes or a no to my question?

16 A. It's not a yes or no question. Because
17 you asked a very broad question about multiple
18 systems. So the election system contains many
19 systems.

20 Q. So you can't say yes or no whether the
21 state election system includes the voter
22 registration database; is that right?

23 MR. DENTON: Objection.

24 A. I think I was pretty clear. I said it
25 was an umbrella that covered many systems.

1 Q. Okay. So answer to my question is yes,
2 the election system includes the voter
3 registration database; are we agreed on that or
4 not?

5 MR. DENTON: Objection.

6 A. The election system is a umbrella which
7 I consider covers many systems where the voter
8 registration system is one of those systems under
9 what we call the elections system.

10 (Exhibit 2: Declaration of Merritt
11 Beaver marked for identification, as of
12 this date.)

13 Q. All right. Mr. Beaver, grab Exhibit 2.
14 We'll come back to Exhibit 1. So you may want to
15 leave that up, if you can.

16 A. Is that -- is there something new in
17 here that I've got to look at?

18 Q. Yeah. And you have to -- sometimes you
19 have to refresh. So if you just refresh your
20 screen, it will pull up the next exhibit. It
21 will be Exhibit 2. Just let me know when you
22 have it.

23 A. All right. That's the one that says
24 0002?

25 Q. Yes, sir.

1 A. Declaration.

2 All right. It's a declaration of mine
3 from -- what's the date on it?

4 Q. If you go to the last day, you'll see
5 it's executed August 13, 2018.

6 Do you see that?

7 A. Okay. All right. Got it.

8 Q. And were you careful and truthful in
9 preparing this declaration?

10 A. Yeah, I think I was.

11 Q. Okay. So take a look at paragraph 3 of
12 your declaration, please.

13 A. Yes.

14 Q. If you come four lines down -- or
15 sorry, five lines down you see the sentence you
16 wrote, our election system includes a voter
17 registration database; do you see that?

18 A. Yes.

19 Q. Okay. So we're agreed on that, right?

20 A. Yep. Right there.

21 Q. Okay. And you go on to say --

22 A. And if you go -- the next line talks
23 about another system and --

24 Q. I'm going to get there. I'm going to
25 get there. Mr. Beaver, I'm going to -- you're

1 going to have plenty of chances to say what you
2 want to say today. The state's counsel can ask
3 you questions too. But just work with me and try
4 to limit your answers to my questions.

5 MR. DENTON: Well, that said, David,
6 he's also entitled to finish his answer,
7 so...

8 MR. CROSS: He's entitled to answer the
9 questions. He's not entitled to go beyond.
10 But we don't need to debate it. You can
11 ask him whatever you want at the end -- at
12 the end of the deposition.

13 Q. All right. So Mr. -- I was going to go
14 on and read the rest, Mr. Beaver. So in addition
15 to the voter registration database, you indicate
16 the election system includes an air gap system
17 for building ballots, numerous other components
18 including -- I think it's supposed to be an
19 online, but including online voter registration
20 tool, an online voter information page, an
21 election night reporting page. And because this
22 was signed in 2018, at that time you indicated
23 direct reporting electronic voting machines used
24 for casting ballots, right?

25 A. Yes.

1 Q. The definition you have for your
2 election system, is the only thing that's
3 different today is that in lieu of the DRE voting
4 machines used for casting ballots, you now have
5 the BMDs? Was there anything --

6 A. So what's under those systems, like the
7 air gap system for building ballots, it's a
8 totally different air gap environment for
9 building ballots, running a different application
10 than this point. But we still have an air gap
11 system for building ballots today. It's just got
12 a different application inside of it.

13 Q. Understood.

14 A. The voter information page is the same,
15 the election night reporting page is the same.
16 Like you said, the DRE is replaced -- replaced
17 with a different system. And all those fall
18 under the election system umbrella.

19 Q. And when you say election system
20 includes numerous other components, what are
21 those other components?

22 A. Those could be networked environments,
23 the securities applications that protect it,
24 things like that.

25 Q. What networked environments are

1 included in the election system today?

2 A. So they -- at the data center where the
3 election system is held there is a whole network
4 environments which components for security and
5 basically segmenting networks, the actual
6 environment itself. Each of our environments
7 have those kind of components in it. They're not
8 necessarily the same. They're different based on
9 the system that it's protecting and the system
10 it's supporting.

11 Q. Anything else, any other components?

12 A. I'm sure there's other more detailed --
13 I mean, depending on how granular we want to get
14 into defining what an environment is holding.
15 But those are the high level things.

16 Q. Okay. What interactions are there, if
17 any, between the Dominion air gaps election
18 system that you talked about earlier that you
19 said is air gapped and the voter registration
20 database or E-Net?

21 A. Well, there is not necessarily
22 interaction between the two. There is a data
23 transfer that happens for each election where
24 somebody from the election center will download a
25 file from E-Net, it will go through numerous

1 security checks and then it gets uploaded into
2 the air gap environment following NIST protocols,
3 that's the National Institutes of Science and
4 Technology. They're the ones that define that we
5 follow defining an air gapped environment.

6 Q. And you said that -- so the data gets
7 transferred from E-Net into the Dominion EMS for
8 a particular election and it goes -- that process
9 goes through numerous security steps.

10 What are those security steps?

11 A. So the device that gets used gets
12 formatted by an independent device that's not
13 tied to a computer. It's strictly a formatter.
14 It's literally a hardware device that you plug
15 electricity into the wall. That's it. It has no
16 operating system other than a hard program that's
17 formats a USB. So nothing could ever get stored
18 on it. It formats the USB drive to clean it so
19 that we know nothing has ever moved to it or
20 anything that was on it is off.

21 Then it gets inserted into a PC that's
22 tied into the election system. It is immediately
23 scanned -- once the file comes down to that thing
24 it's immediately scanned for any malware, any
25 strange things that could be also on it. Then it

1 gets moved over to the -- a PC that's tied into
2 the air gapped environment and it gets uploaded.

3 Q. And is that device, is that a hard
4 drive?

5 A. It's a flash drive.

6 Q. Oh, okay. And is that a new flash
7 drive every time these transfers are done or are
8 those flash drives reused?

9 A. Potentially could be reused. But as I
10 said, they get completely formatted by a box that
11 is not tied to any Internet. Cannot have
12 anything stored on it. So if there was anything
13 on that flash drive, doesn't matter what it was,
14 it can't transfer off to the formatter. The
15 formatter will format that completely blank.

16 So anything on it, malware, anything is
17 erased. There's no transferring of old data to
18 the formatter because the formatter is not
19 intelligent to be actually able to hold anything.
20 It just has a function of format. So it is
21 probably cleaner than a brand new purchased -- in
22 fact, I'll tell you it is cleaner than a brand
23 new purchased flash drive. Even if we use a
24 brand new purchased flash drive, we clean it
25 first just in case the manufacturer had something

1 on that drive that they didn't know about, we
2 don't trust it. We clean it.

3 Q. Are ballot definition files stored on
4 the state EMS for each election?

5 A. On the state EMS? What do you mean?

6 Q. The state EMS server, are ballot
7 definition files uploaded to that server each
8 year or for each election?

9 MR. DENTON: Objection.

10 A. I don't know the term EMS.

11 Q. Election management system, the
12 Dominion -- the state server that we're talking
13 about.

14 A. Oh, the ballot building system.

15 Q. Yes. Yes. They're -- let's just back
16 up, make sure we're talking about the same thing.
17 What we've been talking about is a server that
18 the state uses that has the Dominion software on
19 it to run elections, right?

20 A. Yes, that's the ballot building system.

21 Q. Okay.

22 A. So when you say EMS, now I understand
23 what you're saying.

24 Q. Right.

25 And have you heard the term election

1 management system or election management
2 software?

3 A. Yes. I just never tied it to EMS.

4 Q. Got it. Okay.

5 A. Now I know.

6 Q. Okay. How did -- what's the process
7 for getting the files, the ballot definition
8 files that come out of the ballot billing process
9 on this server, for getting those out to counts?

10 A. Those get put on flash drives also.

11 Q. And then how are they --

12 A. Clean flash drives.

13 Q. How are they -- how are those files
14 transmitted to the 159 counties in Georgia?

15 A. You'd have to ask Michael Barnes that.
16 I -- I think I know. But I -- I guess I can't
17 say positively that I know. So you'd have to ask
18 Michael Barnes that question.

19 Q. I mean, are you familiar with the -- do
20 you understand that they're transferred over an
21 FTP site?

22 A. I -- as I said, you'd have to ask
23 Michael Barnes that question, please.

24 Q. Okay, okay. And then at the end of
25 each election the counties send back the

1 tabulation results through the election night
2 reporting system to the state, right?

3 A. Yes.

4 Q. And is that also done through -- well,
5 strike that.

6 Do you know whether that's done through
7 a FTP, that transfer?

8 A. That's a Michael Barnes question.

9 Q. Okay. The tabulation results that come
10 out of each election, are those also stored on
11 the EMS, the election management system server at
12 the state level?

13 A. I am not aware that any of that is
14 stored there. My understanding is that's all
15 stored back on the voter registration system.

16 Q. Okay. Are you aware of any data or
17 files that are generated during the course of an
18 election in Georgia that are uploaded to the
19 state election management system server after an
20 election?

21 A. I am not aware of any.

22 Q. When you talked about earlier that
23 there are no devices or equipment used with the
24 old system, meaning the old DRE system that's
25 also used with the new BMD system, are you

1 talking only at the state level or are you
2 including the counties with that?

3 A. Once again, none of the old DRE system
4 is compatible with the new environment. So there
5 would be no reason a county would use any of the
6 old DRE equipment for the new environment. It
7 was a direct recording device. We now use a
8 paper ballot process. They're incompatible.

9 So, you know, I'm not out in 159
10 counties. I cannot even imagine why they would
11 use any of the old system because it wouldn't
12 have had -- do nothing for them.

13 Q. But you're only speaking on behalf of
14 the state, YOU'RE not speaking on behalf of the
15 practices of 159 counties across Georgia in every
16 election, right?

17 A. Well, I can't speak because I'm not out
18 there. But as I said, because the old DRE
19 environment has absolutely no functional use,
20 there would be no reason for them to use any of
21 that old equipment. In fact, as far as I know,
22 most of them packed it all up and we sent it off
23 for grinding. So there is no reason for them to
24 go off and do something. And even if they wanted
25 to bring something out, it would add nothing to

1 the process. You can't use any of the old system
2 information in the new environment.

3 Q. But you don't know, for example,
4 whether the counties use some of the same USB
5 drives, flash drives that they plugged in or used
6 with the old system, you don't know whether some
7 of them used those with the new system, right?

8 A. As I said, it's incompatible. The
9 flash drives were not the same as the current USB
10 drives. They weren't USB. They were a different
11 format. The plug on them wouldn't fit.

12 Q. You're saying that it's your belief
13 that the USB drives the counties use with the
14 with respect to elections on the GEMS system, the
15 DRE system, those wouldn't even plug into
16 equipment that they used with the BMD system; is
17 that -- is that really your belief?

18 A. The DREs, this is the Windows-based
19 voting equipment, had a different format for
20 their flash drive. They were a square drive
21 device that had, I don't know, 40-hole --
22 pinholes in it. Wouldn't even come close to
23 fitting in a USB drive, which has got a very
24 rectangular slide-in port. So the DREs took a
25 different format flash drive.

1 Q. But the DREs are not the only part of
2 the election system at the county level that uses
3 flash drives, right?

4 They also use desktop computers, laptop
5 computers, they have their own election servers
6 such as for election night reporting, for
7 managing their own system. And those would take
8 the same flash drives that would fit on equipment
9 today, right?

10 A. You asked me about a DRE interface. I
11 answered you about a DRE interface. So now then,
12 now you're asking me whether or not they have
13 computers that use USB flash drives, which is
14 yes. The new system has computers which can
15 accept USB drives, yes.

16 Q. And you've not undertaken any
17 investigation to determine whether the counties
18 got rid of all their old flash drives and
19 replaced them with new flash drives when the new
20 Dominion system was rolled out; is that fair?

21 A. So if you're asking me if a USB drive
22 that was used with the old DRE system that was
23 running a Windows application using an access
24 database program that potentially could have had
25 malware that was attacking that system, which

1 nobody's ever seen or proved existed, but if it
2 did exist, did we put steps in place to make sure
3 that malware couldn't jump on the new
4 Android-based system? The question is why would
5 you ask that question? Since we -- everyone
6 knows malware that's targeted at a Windows-based
7 access program is inert in an access database.
8 Once again, we have to follow the two tenets of
9 programming is the laws of physics and
10 programming logic.

11 Q. Mr. Beaver, let me -- I'm going to have
12 to help you out here, okay? You have to ask the
13 questions I -- you have to answer the questions I
14 ask and only what I'm asking. I'm going to get
15 all of my questions in no matter what. We can do
16 ten hours a day, we can do 12 hours, we can break
17 it up into multiple days, but it's going to
18 happen. And if you continue to give these
19 speeches, then we'll just -- we'll either call
20 the court and let the judge explain to you how
21 this works or we'll just go for many, many days.

22 So I'm going to ask you again. I'm
23 asking you simple yes or no questions, okay? My
24 question is simply this: Do I understand
25 correctly that you're not aware of any

1 investigation done by the state to determine
2 whether flash drives or desktops or laptop
3 computers or iPads, any equipment used at the
4 county level with the old election system that
5 would include the DREs, their GEMS servers, their
6 poll pads, whatever -- we don't have poll pads.
7 The GEMS servers and -- and the DREs and their
8 elections, there's no investigation you're aware
9 of by the state to ensure that every county
10 replaced all of that equipment when transitioning
11 to the Dominion system; is that true, yes or no?

12 MR. DENTON: Objection.

13 Q. You can answer.

14 Is it true, yes or no?

15 A. My understanding is a notice was sent
16 out to the counties that they should not reuse
17 the equipment. I do not know whether or not the
18 counties bought all new equipment or not.

19 Q. Okay. Thank you.

20 Oh, I'm sorry, I should have asked from
21 the start. And I'm not suggesting you are.
22 Since we're on an online forum both sides ask
23 these questions.

24 Do you have anything open other than
25 the Zoom and the exhibit share on your computer,

1 any other apps or devices or anything?

2 A. No. I closed everything.

3 Q. Okay. Great. Thank you.

4 Do you have any notes that you're
5 relying on today for your testimony?

6 A. I just printed out your 30(b)(6)
7 document.

8 Q. Okay. But that's it?

9 A. Yep.

10 Q. Okay. All right. Thank you, Mr.
11 Beaver.

12 But on the -- the way you're describing
13 malware, I understand you're saying that malware
14 designed for a Windows operating system and the
15 DRE environment, that that could not work in the
16 Android operating system in the BMD environment.

17 Do I understand that right?

18 A. Correct.

19 Q. Okay. And so is it your understanding
20 that malware designed for the old system, that if
21 that malware included a back door into the
22 election system, so it's not trying to alter or
23 steal votes necessarily, it's just trying to
24 create a back door, that even that type of
25 malware would not work in the new Dominion

1 system?

2 A. Correct.

3 Q. And what's the basis for that
4 understanding?

5 A. Programming logic says that whoever
6 wrote the program would have to know that the
7 system, the target system that they're writing
8 the malware for. The malware you're describing
9 was targeting a Windows application. So the
10 operating systems was Windows based, it was
11 actually Windows 2000. So it was an even older
12 application than -- Windows than what is
13 currently out there. They would have to build it
14 for that.

15 When we switched to a new system, the
16 operating system is now Android, which has
17 totally different programming logic. The only --
18 it wouldn't work. It is absolutely inert.

19 Q. And have you consulted any election
20 security experts on your understanding that you
21 just explained?

22 A. I've talked to internally all of our
23 technical people. I have a programming
24 background. I've done that for years. In fact,
25 my background is in healthcare, medical records.

1 Basically the industry cut their teeth on
2 security with HIPAA, specifically targeted at
3 medical records. So I have a number of years,
4 over ten years, experience in programming in that
5 environment.

6 Q. So my question was have you consulted
7 any election security experts on the
8 understanding of your software about malware?

9 MR. DENTON: Objection.

10 A. Now, I -- I don't know election
11 security, that specific title. Anybody of that
12 -- with that title.

13 Q. So, for example, Fortalice is a company
14 that you guys rely on for -- to help with
15 securing the election system; is that fair?

16 A. Yes.

17 Q. Did you discuss with Fortalice the view
18 that malware potentially could be embedded in the
19 old GEMS system, that it would be inert in the
20 Dominion system?

21 A. No.

22 Q. Did you discuss that with the state's
23 expert, Dr. Juan Gilbert?

24 A. Ron Gilbert? I don't know Ron Gilbert.

25 Q. Juan Gilbert, J-U-A-N.

1 A. I don't know Juan Gilbert.

2 Q. Okay. All right. Come back to
3 Exhibit 1, if you would, please, and back to
4 topic 1A.

5 A. Do you do that by going back and
6 reopening it or is there a --

7 Q. Yeah. Yeah, I think -- if you closed
8 it, you'll have to go back and reopen it.

9 A. Okay.

10 Q. And just let me know you've got that
11 up.

12 A. 1A. I'm there.

13 Q. Okay. So just so we're clear, it's my
14 understanding that, to your knowledge,
15 representing the state on this topic, there is no
16 evidence of any malware infecting the components
17 of Georgia's current election system; is that
18 right?

19 A. Correct.

20 Q. And what investigation was undertaken
21 to get to that conclusion?

22 A. Of the current system or the old system
23 are you asking?

24 Q. The current system.

25 A. So when we built out the system, we

1 built it out, as I said, as a clean system. We
2 did not use anything that was tied to the
3 Internet where malware can come into it, get in,
4 infect it. We have only entered the information
5 that has been scanned for malware into that
6 environment.

7 Q. So no one, to your knowledge, has
8 actually gone in and done any kind of forensic
9 analysis of any of the BMDs or the Dominion
10 servers at the state or county level to see if
11 they are infected with malware; is that right?

12 A. I'm not aware of that.

13 Q. Do you know why that has not been done
14 even on a sampling basis, for example?

15 A. Not aware that there's any sign that
16 there is any malware on it. That's usually the
17 first trigger to look for malware. That would be
18 it.

19 Q. Well, you understand malware can
20 successfully operate in the background without
21 giving an indication that it's there, right?

22 MR. DENTON: Objection.

23 A. Yes, I do. But then I follow back to
24 the tenet we talked earlier is that malware has
25 to somehow physically get onto that environment

1 and have programming logic that is compatible
2 with the environment that it's in.

3 Q. Right.

4 And I understand that, Mr. Beaver.

5 A. Okay.

6 Q. But -- okay. I get it. Thank you.

7 All right. Take a look at topic 1 B,
8 please. Just let me know when you're there.

9 A. Yes. Yes, I'm there.

10 Q. This is any efforts made to air gap a
11 components of Georgia's current election system
12 and the success or failure of any such efforts.

13 A. The answer -- the answer is yes.

14 Q. Right.

15 And so what are those efforts?

16 A. So Secretary of State's IT group,
17 department built an air gapped environment based
18 on NIST standards using NIST protocols to hold
19 the Dominion ballot building environment. And
20 continues to maintain that air gapped environment
21 per the NIST protocols.

22 Q. And that was built sometime in 20- --

23 A. '19.

24 Q. Oh, 2019?

25 A. I think it was -- yes.

1 Q. All right. And this was what you were
2 talking about earlier that it's all new
3 equipment, even new wires in the wall?

4 A. Yes.

5 Q. Okay.

6 A. It does not share anything with any
7 other network environment. It does not
8 cohabitate in any racks or environment.

9 Q. Right.

10 But it does share data with the voter
11 registration system, though, right?

12 A. Yes. And that data is transferred
13 using the NIST protocol.

14 Q. Okay. Who at the Secretary's office is
15 actually responsible for transferring that data?

16 A. That would be Michael Barnes's group.

17 Q. Okay. Who is responsible for uploading
18 any data or files to the state EMS server for any
19 given election?

20 Is there anyone on your team that does
21 that or is that also Mr. Barnes's group?

22 A. That's Mr. Barnes.

23 Q. Okay. All right. Take a look at topic
24 1 C, please.

25 A. Okay.

1 Q. And here it is any connections of any
2 components of Georgia's current election system
3 to the Internet, telephone lines, cable lines,
4 satellites or other third-party system or
5 network.

6 Do you see that?

7 A. Yes.

8 Q. And do you -- what connections in that
9 topic are you aware of today?

10 A. So when -- when we say the election
11 system, remember that's numerous environments.
12 So are we talking about the Dominion air gapped
13 environment or are we talking about the voter
14 registration system or one of the other systems?

15 Q. So I -- I would use the definition that
16 was in your -- well, strike that. Because I want
17 to be fair.

18 We have a particular system -- we have
19 a particular definition here, right? So if you
20 come to the first page of the topics.

21 A. Is that going up or down? Am I
22 scrolling --

23 Q. Yeah, going up. Go up back to the top.
24 There's topic 1. Do you see that? And here you
25 do you see at the bottom the definition of

1 component?

2 A. Oh, hold on.

3 Q. It's for the --

4 A. Component list limited to the following
5 equipment for election...

6 So this all looks like it's speaking to
7 the current Dominion environment, meaning the
8 ballot building device --

9 Q. Yes.

10 A. -- environment.

11 Q. Yes, that's right.

12 A. It doesn't speak to any of the voter
13 registration system, the my voter page, the
14 online registration page. It's just the Dominion
15 environment.

16 Q. Correct. Yeah.

17 A. Okay.

18 Q. And so let's --

19 A. So now --

20 Q. Yeah, let's start with that. So take a
21 look at -- with that definition in mind, are you
22 aware of any connections to the Internet,
23 telephone lines, cable lines, satellites or other
24 third-party system or network for any of the
25 components identified in footnote two for the

1 current election system?

2 A. None.

3 Q. And what's the basis for that belief?

4 A. We have built an air gapped
5 environment, follows, as I've said, the NIST
6 protocols on its own dedicated hardware network
7 environment. Does not share anything with an
8 environment that has any of these types of
9 things, Internet, telephone, cable, satellites or
10 other third-party networks, is not tied to
11 anything that would have those things connected
12 to it.

13 Q. Okay. But you don't know, for example,
14 whether any of the 159 counties have ever
15 connected any of those components to any Internet
16 or third-party system, right?

17 MR. DENTON: Objection.

18 A. We're talking about what was described
19 above and that everything that's described above
20 is that Dominion environment, which is based in
21 our election center in Marietta. So the counties
22 don't have access to that.

23 Q. Well, no. Look -- if you look at
24 footnote two it includes the Dominion BMDs, the
25 printers used with the Dominion BMDs, the

1 scanners used to scan ballots, servings --
2 servers containing election management system --

3 A. So you're talking about the actual
4 equipment that's in the field?

5 Q. Correct. That's part of it. Yeah.

6 And so you don't -- so you don't know
7 as you sit here whether any of the 159 counties
8 in Georgia has ever connected any of that
9 equipment to the Internet or to a third-party
10 system, right?

11 A. No. I mean, there's some of the stuff
12 that can't be connected, like the BMDs don't have
13 a network connection to go into that. Now, a
14 laptop, I'm not sure what a laptop -- what they
15 would use a laptop for, a desktop computer, not
16 sure how that would be involved in this whole
17 environment. So I can't speak to those things.
18 Smart phones, same thing, like I -- it's -- it's
19 listed in this list, but it isn't necessarily
20 used in the Dominion environment.

21 So this is a very large list of things,
22 but not all of them have anything to do with the
23 Dominion environment. But I can't speak to, you
24 know, what the counties have done with these
25 kinds of things.

1 Q. All right. The Dominion BMDs used in
2 Georgia have a standard USB port on them, right?

3 A. Yes.

4 Q. In fact, the detached printer that
5 prints the ballot connects to the BMDs with
6 standard USB port, right?

7 A. Yes.

8 Q. And are you aware that the Dominion BMD
9 USB ports are not sealed, meaning that a voter,
10 for example, has access to plug in a USB drive to
11 a BMD used in an election?

12 A. I don't believe that's true. It was a
13 term it's sealed. It's not sealed. I have never
14 seen an environment where it's not sealed. So
15 I'm not sure where that comes from. So I guess I
16 can't answer that that would be true. I am not
17 aware that that -- that system is not sealed.

18 Q. So what is the basis for your
19 understanding that the USB port on each of the
20 30,000 BMDs in Georgia is sealed?

21 A. I've seen them and they're sealed. And
22 that is our protocol is to keep it sealed.

23 Q. Well, I assume you haven't seen all
24 30,000 BMDs, right?

25 A. No, I -- yeah, I haven't seen 30,000

1 BMDs. But, as I said, the protocol is to keep
2 them sealed. And when I say sealed, they're
3 locked -- locked away. They have a sealing
4 device that will show tampering if somebody
5 unseals it. So I have not heard of any counties
6 that have had an issue with BMDs being unsealed.
7 I have not heard that.

8 Q. Okay. And is that something you would
9 expect to know as the state CIO?

10 A. I would have heard it. It isn't the
11 counties report to me. You could probably ask
12 Mr. Michael Barnes if he's heard it. I think
13 he's more in touch with the counties than I am.

14 Q. And why is sealing the BMDs important?

15 A. Many type of layers of security.
16 Security is not just one thing. It is a layer
17 approach. Sealing the BMD is just one of the
18 many security aspects to that -- verifying that
19 we have a very secure system. Sealing is a piece
20 of it.

21 Q. But what is the sealing of a BMD
22 intended to protect against?

23 A. Just what you described, somebody
24 having access to do something to it that's
25 unknown.

1 Q. Got it.

2 Okay. And would it be fair to say that
3 if -- that if -- if a county found that its BMDs
4 were unsealed, the seals were broken, for
5 example, before an election, they should not use
6 those, right?

7 A. Correct. That is the protocol.

8 Q. Okay. What's the device that's used to
9 seal the USB ports on the BMDs?

10 A. I don't know what that device is.

11 Q. All right. Jump to topic ten, please.

12 A. Okay.

13 Q. Topic ten is any instance in 2020 or
14 2021 within the knowledge of the Secretary of
15 State's office when a person or entity other than
16 an authorized election worker of Georgia state or
17 county official obtained voting data from a
18 Georgia election or images of voting equipment
19 used in a Georgia election.

20 Do you see that?

21 A. Yes.

22 Q. And are you aware of any such instance?

23 A. I am not aware of any instance.

24 Q. And would you expect to be aware of
25 this as the state CIO if -- if this was known to

1 anyone in the Secretary's office?

2 A. I would have expected to because I
3 would have been asked to help investigate how it
4 happened.

5 Q. Okay.

6 A. We manage security. That would be an
7 event. And we would go through our whole
8 incident response process to investigate how
9 something like that would have happened. So I
10 would have expected to hear.

11 Q. Okay. And what did you do to prepare
12 yourself to testify on topic ten today?

13 A. To prepare for that? I asked -- I
14 asked a couple people here within our
15 organization in the elections area whether or not
16 they'd heard anything about this. I didn't hear
17 anything.

18 Q. Who did you ask?

19 A. They didn't say -- over in elections --
20 I mean, I think the head of elections, Blake
21 Evans, is over there.

22 Q. Anyone else?

23 A. I guess I -- I've asked around. I
24 don't remember the people, just poking at people
25 that might have heard something. And within our

1 security group we have a couple -- three people
2 over there in that group which I talked about
3 Ronnell Spearman, Kevin Fitts. They're -- they
4 had not heard anything. So...

5 Q. Is there anyone else you talked to
6 about topic ten that comes to mind?

7 A. No.

8 Q. Okay. Did you review any documents in
9 preparation for your testimony on any of the
10 topics you're designated on?

11 A. Just my prior depositions and
12 testimony.

13 Q. When you say deposition, you mean your
14 prior declarations in this case?

15 A. I guess I'm not sure whether they were
16 declarations or depositions.

17 Q. Okay.

18 A. I didn't -- they were just documents
19 that were -- the legal team gave me as areas
20 where -- or events where I was recorded, whether
21 it be court transcriptions or depositions or
22 declarations. So it was three or four of them.

23 Q. Okay. But those documents all
24 contained testimony that you gave in -- in some
25 form; is that fair?

1 A. That's fair.

2 Q. Okay. And is there anything else you
3 reviewed in preparation for deposition beyond
4 your own testimony?

5 MR. DENTON: Objection.

6 A. Nothing I can say specific. I mean, I
7 definitely talked to some of my peers to validate
8 my understanding of Windows, did my understanding
9 of the NIST protocol, my understanding of
10 Android, programming languages that could be
11 compatible in both environments. Things like
12 that.

13 Q. But no other documents you reviewed
14 beyond the testimony you've identified; is that
15 -- is that right?

16 A. No, no other documents. I had -- as I
17 said, I did go online, validate documents from
18 NIST that we were following their protocols.
19 That was about it.

20 Q. Okay. And then let's look at the last
21 topic here, topic 18. Again, it's on page --

22 A. Yes.

23 Q. And the last topic is your process for
24 preserving information within your possession,
25 custody or control potentially relevant for this

1 matter, including any communications with
2 counties or other entities or individuals
3 regarding the same.

4 Do you see that?

5 A. Yes.

6 Q. What steps has the Secretary's office
7 taken to preserve information potentially
8 relevant to this case?

9 A. So information relative -- the -- I
10 guess reading this, communications primarily are
11 e-mails. Written documents, I don't have access
12 to, you know, as if somebody wrote a note. But
13 everything would be in e-mails. And I have
14 validated that we have maintained copies of all
15 e-mails sent within the organization during this
16 time frame.

17 Q. And what time frame is that?

18 A. From '19 forward.

19 Q. From 2019 forward?

20 A. Yes. Which is what it looks like this
21 is, at least in my understanding, is where this
22 conversation is speaking to from the time that we
23 switched over from the old system to the new
24 system forward.

25 Q. And are you aware that the case was

1 filed in 2017?

2 A. Are you saying the Curling case or are
3 we talking about this 30(b)(6) topic.

4 Q. No, no, the Curling case was filed
5 in --

6 A. No, I got it. But I -- was your
7 question about retaining data? I thought this
8 was on the 30(b)(6) topic.

9 Q. Right.

10 I'm just trying to understand what you
11 understand the topic covers. So just --

12 A. Okay. As I say, so your question, I
13 thought you were speaking of 30(b)(6).

14 Q. Right.

15 So my question is are you aware of
16 steps taken by the Secretary's office to preserve
17 information potentially relevant to this matter
18 going back to when the case was filed in 2017?

19 A. And my -- for the Curling case, all
20 e-mails that were tied to that did go back to '17
21 that we need to be able to retain. So that too
22 on that topic. So e-mails from that point far
23 back, so yes.

24 Q. Okay. And what steps were taken to
25 preserve e-mails going back to -- well, strike

1 that. Let me -- let's be clear we're talking
2 about the same thing.

3 The case was filed in 2017. But you
4 understand -- well, strike that. Let me try to
5 get at this better.

6 What is the time frame, time period for
7 which the Secretary of State's office is
8 preserving information potentially relevant to
9 this case, meaning how far back do the e-mails,
10 for example, go in time that are being preserved?

11 A. Okay. So we have two systems that
12 store e-mails. One is Microsoft 365. It stores
13 e-mails that go back three years. We have
14 another system called Commvault that goes back an
15 additional I think it's two years. So we're
16 going back five years on this topic.

17 Q. Okay. So when the case got filed in
18 2017, what steps did the Secretary's office take
19 at that time to preserve potentially relevant
20 information?

21 A. They validated that we were able to
22 store e-mails that covered from that point
23 forward from the -- basically where the Curling
24 case forward.

25 Q. But what about e-mails going back in

1 time?

2 A. They haven't given me the okay to
3 delete any of that.

4 Q. Okay.

5 A. Even though it's longer than our
6 retention period, we've still held onto it.

7 Q. And where are those documents -- are
8 those e-mails stored?

9 A. In Commvault.

10 Q. And that -- does that include the
11 e-mails that were generated in 365?

12 A. No.

13 Q. Okay. So e-mails are stored in both
14 365 and Commvault?

15 A. Yes. That's what I said. We have two
16 systems. The most current stuff is in 365, the
17 older stuff is in Commvault.

18 Q. I see.

19 Okay. So the stuff going back to like
20 2017 or earlier, that's in Commvault, the stuff
21 generated in the last three years would be in
22 365; is that a fair?

23 A. Yes, yes. There's probably some
24 overlap. But 365 only holds three years.

25 Q. And did the Secretary's office replace

1 Commvault with 365 three years ago as its e-mail
2 system?

3 A. Commvault is an archive system which is
4 where we used to archive e-mails into. We have
5 -- since we've gone to 365, not when we went to
6 365, but since we've done it, we've switched
7 over. So there's a transition period where
8 Commvault was doing archiving, some archiving 365
9 -- or I say some, was archiving 365, so there's
10 an overlap.

11 Q. And are the e-mails that are
12 potentially relevant to this case in 365, are
13 those stored in a distinct place on the 365
14 server or are they stored in the individual
15 custodian's e-mail inboxes or accounts?

16 A. Well, they're isn't necessarily -- all
17 e-mails are stored in, I guess, a mass storage
18 and they're tagged for, you know, who they belong
19 to. So that if somebody in their personal e-mail
20 box deletes something, it doesn't delete it from
21 the mass storage.

22 Q. And is that something that was turned
23 on for preservation purposes or is that the
24 default setting for 365?

25 A. It's default for us. I don't know

1 whether it's default for everyone.

2 Q. Okay.

3 A. This is just how we set the system up.

4 We didn't do it specifically for legal or
5 anything. Secretary of State gets a lot of open
6 records requests, so it's a standard of how we
7 just set ourselves up.

8 Q. Okay. And we talk about e-mail and
9 365, you're talking about Outlook, right?

10 A. Yes.

11 Q. Okay. So do I understand right, so
12 after switching to 365, no one in the Secretary's
13 office has the ability to delete any e-mails,
14 even if they delete it from their own account,
15 it's still sitting on the Outlook server?

16 A. Yes.

17 Q. I guess, exchange server?

18 A. Yeah, that's correct. That's the right
19 term.

20 Q. When e-mails were collected and
21 produced for this case, what time period was used
22 for that collection?

23 A. I -- I wasn't involved with that
24 collection, so I can't tell you that. And legal
25 has their own team that does the pulling of

1 e-mails. We -- we just provided them the tools
2 to let them do that.

3 Q. And so the legal team pulled -- they
4 ran whatever searches they ran and pulled e-mails
5 from the exchange server and the Commvault
6 server; is that right?

7 A. Yes. If they needed Commvault help,
8 they would historically have had to come to IT to
9 do that. But I think they pulled all the e-mails
10 from Commvault for this.

11 Q. What was the --

12 A. Most -- go ahead.

13 Q. I'm sorry. I'm sorry. I was just
14 going to ask, what was the e-mail system that was
15 used with Commvault?

16 A. It was on prem exchange. That means we
17 ran the exchange server on premise.

18 Q. Okay.

19 A. 365 is in the cloud.

20 Q. So the on prem exchange was -- it was
21 still Outlook, but it was -- it was an on-premise
22 system as opposed to a cloud system?

23 A. Correct.

24 Q. And is 365, is that hosted with
25 Microsoft?

1 A. Yes, in their gov cloud.

2 Q. So what steps were taken, if any, to
3 preserve potentially relevant information for
4 this matter beyond the e-mails?

5 A. You'd have to ask somebody in legal.

6 Q. Okay.

7 A. I handle the IT side, which would be
8 things like Outlook. If it's non IT, then it
9 wouldn't come to me.

10 Q. What about, for example, documents
11 stored locally on individual employee desktops or
12 laptops or removable media, what steps were taken
13 to preserve and collect that, if any?

14 A. So if it's stuff that's out there for
15 somebody who has left the business, we actually
16 make a copy of their desktop, laptop or whatever
17 and I store it, actually store it in my office
18 for everybody who's left, whether we knew they
19 were tied to this or not, that they were a
20 pertinent player.

21 Q. Okay. So beyond people who've left,
22 folks who have not left, what steps were taken,
23 if any, to preserve potentially relevant
24 information on their own desktops, laptops, other
25 devices or removable media?

1 A. Okay. And you'd have to ask legal what
2 their instructions were to those people.

3 Q. Okay. And then I can't remember who it
4 was, one of the people we deposed explained that
5 each employee of the Secretary's office has a
6 personal drive on a Secretary's office server
7 where they can store documents, meaning that
8 drive is assigned to them; is that right?

9 A. It's called OneDrive.

10 Q. Oh, you're using Microsoft OneDrive?

11 A. Yes.

12 Q. Okay. And then employees have their
13 own sort of sub folder, you might call it, that's
14 assigned to them where they can store documents
15 under their name; is that right?

16 A. That's what -- the word called the
17 OneDrive.

18 Q. Got it. Okay.

19 A. Now --

20 Q. And what steps -- sorry.

21 A. So I -- I was going to say that -- that
22 is -- that OneDrive environment is included in
23 all of our backup processes.

24 Q. Okay. What steps, if any, were taken
25 to preserve and search potentially relevant files

1 in the OneDrive environment?

2 MR. DENTON: Objection.

3 A. Again, you'd have to ask -- I mean, we
4 verified that the drives are there and
5 maintained. You'd have to ask -- talk to legal
6 about what instructions were given to people --

7 Q. Okay.

8 A. -- for those -- for that information.

9 Q. Does the Secretary's office have any
10 auto deletion policies for e-mails or any other
11 electronic files or data?

12 A. I said we have a retention policy of
13 three years that e-mails are kept on the exchange
14 server for three years.

15 Q. So meaning -- go ahead.

16 A. Unless -- unless -- unless there is
17 something tagged that we retain, which you can.
18 That's the nice thing about 365, you can tag
19 e-mails for retention, then they get rolled off
20 after three years.

21 Q. So meaning once an e-mail reaches the
22 three-year date from the time it was sent or
23 received, it becomes automatically deleted unless
24 it's tagged for preservation; is that right?

25 MR. DENTON: Objection.

1 A. That's what we set up in 365.

2 Q. Okay. And what steps, if any, were
3 taken to remove e-mails potentially relevant to
4 this matter from that auto delete practice?

5 A. As I said, the 365 has a feature that
6 you can go in and you can tag e-mails as on like
7 hold for -- let's say they're for like this, for
8 a legal issue and tag it. So that's a feature
9 within the system.

10 Q. What steps --

11 A. And then -- and then it basically will
12 supersede any retention policy.

13 Q. What steps, if any, were taken to tag
14 e-mails as potentially relevant for preservation
15 purposes for this case?

16 A. Once again, you'd have to ask legal.
17 They're the ones that do the searches.

18 Q. I see.

19 Okay. Do you know whether any such
20 steps were taken?

21 A. I don't. A lot of times what they'll
22 do is they'll literally pull those e-mails out
23 and create an extract that they can store on a --
24 a file server that's separate.

25 Q. Do you know if that was done in this

1 case or you just don't know one way or the other?

2 A. As I said, that's -- legal manages
3 that.

4 Q. Okay. All right. We've been going
5 close to an hour and a half. You want to take a
6 short break, Mr. Beaver?

7 A. Sure.

8 Q. Okay.

9 THE VIDEOGRAPHER: The time is 10:29.
10 We're off the record.

11 (A BRIEF RECESS WAS TAKEN.)

12 THE VIDEOGRAPHER: The time is 10:37
13 We're back on the record.

14 BY MR. CROSS:

15 Q. All right. Mr. Beaver, can you grab
16 Exhibit 2, your 2018 declaration again, if you
17 would, please. Just let me know when you've got
18 that in front of you.

19 A. Sorry. I was on mute. I'm here.

20 Q. All right. Take a look at paragraph
21 seven of your declaration.

22 A. Moving to paper ballots, is that what
23 you're asking me?

24 Q. Yes. And so you wrote here moving to
25 paper ballots for the voting mechanism would not

1 add one iota of protection to the state's voter
2 registration database, air gapped ballot building
3 network or other online tools such as election
4 night reporting.

5 Do you see that?

6 A. Yes.

7 Q. Is it your view that moving to the
8 paper ballots generated by the current BMD system
9 did not add any protection to the state's
10 election system?

11 MR. DENTON: Objection.

12 A. It added a different protection.

13 Q. What did it add?

14 A. It -- one, it changed the -- I'll say
15 the attack profile of somebody trying to get in
16 and do malicious things to our system by creating
17 a more complex path. Change always makes it
18 difficult for somebody who's planning to create
19 havoc because everything they did before has to
20 -- has to change. Anything that they had done
21 prior is no longer valid.

22 Q. Okay. Let me -- let me ask a -- I
23 guess maybe a narrower question. I understood
24 what you're saying.

25 I understand changing the -- changing

1 the overall operating system, I get that that's a
2 change between the old system and the new such as
3 from Windows to Android. I'm asking a more
4 specific question, which is did the adoption of
5 paper ballots specifically, that part of the
6 change, did that add any protection to the
7 Georgia election system in your view?

8 A. Did it add to? It's different. I
9 mean, I don't -- I don't have the security
10 analysis to say what are all the security levels
11 that are -- that our old system provided versus
12 this new system to do a side-by-side comparison.
13 It's just different. And I -- I couldn't tell
14 you which one is stronger.

15 Q. Okay. All right. Let me grab the next
16 exhibit.

17 A. Should I leave this one?

18 Q. Yes.

19 (Exhibit 3: Declaration of S. Merritt
20 Beaver marked for identification, as of
21 this date.)

22 Q. All right. Grab Exhibit 3, if you
23 would, please. And, again, you may have to
24 refresh to get it to pop up.

25 A. You have to refresh.

1 Exhibit 3. All right. Exhibit D it
2 says.

3 Q. Yes. And if you scroll down, you'll
4 see that this is a declaration that you signed on
5 July 9, 2019.

6 A. Okay.

7 Q. Do you see that at the last page?

8 A. Yep.

9 Q. Okay. And is it fair to say that you
10 were careful and truthful in this declaration?

11 A. The best I could, yes.

12 Q. All right. Take a look at paragraph 6,
13 if you would, please.

14 A. Yes.

15 Q. Here you wrote, the Secretary of
16 State's office now requires an annual
17 cybersecurity assessment for the CES.

18 Do you see that?

19 A. Yes.

20 Q. And what's CES?

21 A. That's the election center, center --
22 or center for elections, yes.

23 Q. And that's Michael Barnes'
24 organization; is that right?

25 A. Yes.

1 Q. Why did the Secretary's office start
2 requiring an annual cybersecurity assessment for
3 the CES in 2019?

4 A. We expanded our existing annual
5 assessments just to include. We felt it was
6 appropriate at the time to -- to expand out and
7 start encapsulating that. I mean, over time the
8 whole annual reviews started off simple, which
9 looks -- just looking at one data center and we
10 slowly added more data centers and more systems.
11 So it was just -- it was time to start doing
12 that.

13 Q. Well, why was it time to start doing
14 that for CES in 2019 as opposed to the -- to the
15 many prior years that CES existed?

16 A. Well, the many prior years, it was at
17 Kennesaw. So it was outside of our purview.

18 Q. Well, Kennesaw managed CES under the
19 direction of the Secretary of State's office,
20 right?

21 A. They were contracted, as far as I know,
22 from the Secretary of State's office. But they
23 were considered a vendor, a third party.

24 Q. Right.

25 And the Secretary of State's office

1 does have the authority to require cybersecurity
2 assessments of its vendors, right?

3 MR. DENTON: Objection.

4 A. I don't know. That's a good question.

5 Q. You're not aware of a rule that
6 actually requires the Secretary of State's office
7 to ensure that vendors that are related to the
8 election system do cybersecurity assessments?

9 A. Are you saying annually?

10 Q. Annually or on any schedule. Sorry, go
11 ahead.

12 A. I am not aware of a rule or any
13 legislation or anything that says that. I think
14 that is good practice that we have built over the
15 years since I've been here. But I don't know of
16 any rule. I've never been told of any rule that
17 states that.

18 Q. Okay. The cybersecurity assessment for
19 CES that's done annually, is that -- is there a
20 written report of that?

21 A. We don't do written reports now.

22 Q. When you say now, when did that -- when
23 did that start?

24 A. The last two years.

25 Q. Why are there no written reports of ooh

1 cybersecurity assessments for the Secretary's
2 office as of the last two years?

3 MR. DENTON: Objection.

4 Q. You can answer it.

5 Do you know why?

6 A. Yes. They're taken out of context by
7 the public.

8 Q. What do you mean?

9 A. They read them, they don't understand
10 them, they take them out of context.

11 Q. So how is the cybersecurity assessment
12 the -- the steps that are taken and the findings
13 conveyed to folks at the Secretary's office if
14 not in writing?

15 A. We have conference calls. I have a
16 working team that works with Fortalice. We
17 review things that they say you need to be
18 looking at this, you need to be looking at that.
19 We look at our project lists of tasks that we
20 need to do across the board to figure out how do
21 we mold some of those in. Or not some of those,
22 but mold those things in. Made our life
23 difficult.

24 Q. You mentioned Fortalice. Is Fortalice
25 the one that does the annual cybersecurity

1 assessment for CES?

2 A. In the recent years, yes.

3 Q. How long has Fortalice done it?

4 A. I'd have to look for sure, but I would
5 guess close to five years.

6 Q. Who did it before that?

7 A. We had a company called Deloitte, a
8 company called Black Ice. I -- once again, I
9 have to go look at them. We -- we tried a number
10 of different companies. We're not happy with the
11 reports and decided to move onto the next
12 companies. Fortalice was the first company that
13 actually we felt was doing a very good job. If a
14 report doesn't come back and it's not painful,
15 it's not good.

16 Q. Okay. Why is that?

17 A. Their job is to make us better. Our
18 security has increased immensely with their help.

19 Q. What involvement does your department
20 have with the annual cybersecurity assessment for
21 CES?

22 A. I contract them. They basically --
23 each year is slightly different. In the last few
24 years they are -- have been sort of asked to be
25 independent and don't tell us when they're

1 coming, when they're doing the assessment to
2 basically try to catch us off guard. Then they
3 come back and essentially give us a results of
4 what they they've discovered, things that they
5 found that -- that we should look at.

6 Q. Okay. And do I understand right,
7 beginning in the last couple years they're now
8 directed to convey that orally in a conference
9 meeting as opposed to in writing?

10 A. Yes.

11 Q. Okay. Fortalice in addition to the
12 cybersecurity assessment, the annual assessment,
13 Fortalice has been tasked with doing other sort
14 of narrower, more discrete assessments from time
15 to time for the Secretary's office; is that
16 right?

17 A. Yes, it is.

18 Q. And when it does that, one of the
19 requirements the Secretary's office typically has
20 is to require monthly reporting from Fortalice on
21 that work; is that right?

22 A. It has in the past, yes.

23 Q. But those monthly --

24 A. We haven't done any of that type of
25 activity probably in the last year and a half.

1 Q. Why not?

2 A. We didn't have any events or incidents
3 that required it.

4 Q. The monthly reporting, is that
5 typically in writing or is that also now not in
6 writing?

7 A. Not in writing. And in the -- we're
8 not necessarily having any monthly reporting for
9 a while, probably for almost the last year.

10 Q. So Fortalice did an annual
11 cybersecurity assessment of CES in 2020; is that
12 right?

13 A. Yes.

14 Q. And the findings that came out of that,
15 those were conveyed in -- in a conference meeting
16 with your team and others; is that right?

17 A. Yes.

18 Q. What -- what exactly was the scope of
19 work that Fortalice did for that assessment in
20 2020?

21 A. Okay. I was not in that meeting. So I
22 can't tell you. I don't know.

23 Q. Who would you ask?

24 A. I know Bill Warwick was involved. But
25 he no longer works here. I forget who else?

1 Dave Hamilton was involved. He's no longer here.

2 Q. Anyone else?

3 A. No, I don't -- there probably was, but
4 I don't know who they were. Those are the two
5 managers or leaders.

6 Q. Who determined the scope of Fortalice's
7 work in 2020 for the annual cybersecurity
8 assessment of CES?

9 A. I think that was more of a -- and it --
10 and it goes on today. It's a conference call
11 that goes on with them where we discuss what
12 would make most sense on the call.

13 Q. So for 2020 --

14 A. As of today is have a conference call,
15 let's talk about what we think would be good to
16 do and we come to an agreement.

17 Q. And when did that call happen in 2020
18 for that assessment?

19 A. I don't have a date for that.

20 Q. Well, does it typically happen --

21 A. Earlier in the year.

22 Q. Okay. Like first quarter?

23 A. Probably -- I mean, this year's
24 conversation is going on now.

25 Q. So is it fair to say that that for --

1 in 2020 and 2021 and 2022 the kickoff conference
2 with Fortalice for the annual assessment
3 typically happens sometime in the first quarter
4 of the year?

5 MR. DENTON: Objection.

6 A. I don't know for sure. That would make
7 sense. We contract them annually.

8 Q. Okay. And who all was in the kickoff
9 conference with Fortalice in 2020?

10 You mentioned Bill Warwick, David
11 Hamilton. Who else was in that?

12 A. As I said, I don't know who else.
13 Those would be the main people.

14 Q. What about in the 2021 kickoff
15 conference?

16 A. Same thing. People.

17 Q. You just -- oh, Mr. Warwick and Mr.
18 Hamilton would have been in that?

19 A. Yep. Yes.

20 Q. And you don't know who else might have
21 been in it?

22 A. No. There -- I mean, they're my
23 managers. I don't get involved at that level.

24 Q. And what about 2022, who was in that
25 kickoff conference?

1 A. Oh, it's not -- it's just planned right
2 now. So I will be involved in that one. They'll
3 be one or two other people from here involved.

4 Q. Who else is expected to be in that?

5 A. Probably Kevin Fitts and Jason
6 Matthews.

7 Q. And they both work with you?

8 A. Yes.

9 Q. Why are you joining this year but not
10 the last couple years?

11 A. I've lost some key people this year
12 being Dave Hamilton and Bill Warwick, who are
13 critical -- I wouldn't say critical. Were key
14 leaders in my organization.

15 Q. Sure. Where did Bill Warwick go?

16 A. Palo Alto.

17 Q. When did he leave?

18 A. Last Friday.

19 Q. Do you know why he left?

20 A. Money.

21 Q. He's in private sector?

22 A. Yes.

23 Q. Do you know where he works?

24 A. In Atlanta.

25 Q. Wait. I thought you said he went to

1 Palo Alto?

2 A. That's the company.

3 Q. Oh, oh, it's called -- oh, the company
4 is called Palo Alto and it's based in Atlanta?

5 A. Yes. Well, I -- they have an office in
6 Atlanta. I don't know where they're based.

7 Q. I got it. Okay. All right. Sorry.

8 Were there any performance concerns or
9 negative issues with Mr. Warwick when he left?

10 A. No. I hated to see him go. He was
11 probably my strongest engineer.

12 Q. All right. So for the 2020 annual
13 cybersecurity assessment for CES, what were the
14 steps that took -- Fortalice took for that
15 assessment?

16 A. You mean how did they do their
17 assessment?

18 Q. Yes.

19 A. I don't have that information.

20 Q. Who would you ask to get that
21 information?

22 A. I would have asked Bill and Dave.

23 Q. Who would you ask today?

24 A. I probably have to call Fortalice. I
25 think the person that was involved then has left

1 there also.

2 Q. Who was that?

3 A. I'd have to go see if I could dig up an
4 old contact list. But our old contacts for there
5 left around the end of 2020, early 2021.

6 Q. Okay.

7 A. I don't remember his name. I have a
8 lot of vendors.

9 Q. What were the findings that Fortalice
10 reached in 2020 for the annual assessment?

11 A. I don't have that list.

12 Q. Would you ask --

13 A. Depended on Dave, Dave and Bill to
14 implement them. I basically asked did we have
15 the assessment? Yes, we did. Are we working it
16 into our -- our scheduled maintenance and
17 upgrades? Yes, we are.

18 Q. Okay. What recommendations, if any,
19 did Fortalice make in 2020?

20 A. As I said, I -- that's the same
21 question I think. I don't have that.

22 Q. Yeah, I didn't know if there was a
23 difference between their findings, meaning they
24 found certain things, and then separately they
25 made recommendations on what to address?

1 A. No.

2 Q. Okay. Do you recall any significant
3 concerns or any significant findings or
4 recommendations coming out of the 2020
5 assessment?

6 A. Nothing was raised to me.

7 MR. DENTON: Objection.

8 Q. Okay. If I were to ask you the same
9 questions about the 2021 assessment, would it be
10 the same answers that you would need to talk to
11 Mr. Hamilton or someone at Warwick or someone at
12 Fortalice?

13 A. Yes.

14 Q. And were there any significant concerns
15 raised with you coming out of the 2021 Fortalice
16 assessment?

17 A. Nothing was raised to me.

18 Q. What's the scope that's planned for the
19 2022 assessment?

20 A. That's what the conference call will
21 work on.

22 Q. And when is that planned for?

23 A. I just made a request that we get a
24 meeting set up here in the next couple of weeks.
25 Won't be for another two or three weeks because

1 I'm out of town.

2 Q. Do you have a scope in mind for what
3 you think they need to look at this year for CES?

4 A. Validate that our environment still is
5 following this protocol. Basically, we have not
6 been able to do a scan of what's in it right now
7 because introducing a scanned product would
8 introduce an outside application, which would
9 potentially endanger the environment. I mean,
10 once you bring third-party software into it, you
11 are now basically no longer having a sterile
12 environment. So part of the talking was like
13 what could we do? Is there anything we can do
14 not to disrupt that sterile environment? They
15 may come back and say you can't. I don't know.

16 Q. Do you recall receiving any e-mails
17 from anyone on your team regarding the 2020
18 Fortalice annual assessment for CES?

19 A. No e-mails that I can think of. I -- I
20 do know conversations that were had.

21 Q. Okay. And is that also true for 2021?

22 A. Correct. Pretty much. I mean, the
23 guys work right down the hall in the same area.
24 So they'll come in. And typically the last two
25 have been -- they have been pretty happy.

1 Fortalice has not been able to penetrate the
2 networks. We've had to let them in in order for
3 them to continue their testing.

4 Q. So you anticipate where I was going to
5 go. The 2020 and 2021 assessments included
6 penetration testing, right?

7 A. Yes.

8 Q. And do I understand correctly, it's
9 your understanding that the penetration testing
10 by Fortalice failed in both 2020 and 2021?

11 A. My understanding is that it failed.

12 Q. Okay. All right. What --

13 A. When you say penetration testing, that
14 means them trying to get access into our system.

15 Q. And what systems were they -- strike
16 that.

17 You may not know because I think you
18 said you didn't know the scope. But let me just
19 be sure. What specific systems at the
20 Secretary's office were within the scope of the
21 penetration testing in 2020?

22 A. The only one that they could actually
23 do potentially penetration testing is our data
24 centers where the voter registration system is,
25 the SOS, other applications such as corporations,

1 POB, securities applications are in -- e-mail
2 environment, those. Has not -- they can't do
3 penetrations testing on any of the CES
4 environment, the -- a Dominion environment.

5 Q. Why not?

6 A. It is not tied to any network, whether
7 it be Wi-Fi or hard wire that they could come
8 through. It is completely isolated out.

9 Q. Have you had them test that?

10 A. We had them -- I think -- when we first
11 built it, I believe that was one of the tests.
12 But I'd have to go validate that to see whether
13 or not there was a connection out.

14 Q. Okay. So as you sit here today, you
15 don't recall any specific test Fortalice has done
16 to penetrate the CES network; is that right?

17 MR. DENTON: Objection.

18 A. I don't know.

19 Q. Okay. All right. Come to paragraph 13
20 of your 2019 declaration, if you would.
21 Exhibit 2.

22 MR. DENTON: Sorry, David, is this
23 Exhibit 2 or 3?

24 MR. CROSS: Oh, good question. Maybe
25 it's Exhibit 3. Let's see.

1 A. I'm in Exhibit 3. I'm looking at 13 --

2 Q. Yes.

3 A. -- established.

4 Q. That's right. Sorry, it's Exhibit 3.

5 All right. Yes, and so paragraph 13
6 you wrote, the Secretary of State's office has
7 established a new hardened air gapped Secretary
8 of State IT managed network which houses both the
9 GEMS ballot building process and the express poll
10 data set production.

11 Do you see that?

12 A. Yes.

13 Q. What was the express poll data set
14 production?

15 A. So this is the old system. This is
16 what we built when we brought the -- all of the
17 stuff that was in the Kennesaw environment over.
18 So the GEMS ballot and express poll were both two
19 of the systems that were part of the old systems.
20 One was the poll -- not a poll pad. There was a
21 polling device and the other one was the GEMS
22 ballot building application.

23 Q. The express poll data set production,
24 was that the voter registration information?

25 A. That is not the voter registration

1 system. That would use the data that came over
2 from the voter registration system. That's that
3 every -- prior to every election, I don't -- take
4 me to it -- but I think it's 40 days before the
5 election we bring a data file over. But the
6 exact time frame I'm not positive on gets brought
7 over from the voting registration system over
8 into this environment using the protocol I just
9 -- I described earlier.

10 Q. Okay. Got it.

11 Okay. And just sticking with the GEMS
12 system for a moment, the express poll data set
13 production sat within the air gapped network that
14 included the GEMS ballot building process. What
15 was the set up? Did the data set sit on the same
16 server as GEMS or was it a separate server?

17 MR. DENTON: Objection.

18 A. I don't recall.

19 Q. Okay. Do you know what the setup is
20 today?

21 Does the -- the voter registration data
22 that's used for the poll pad system, does that
23 sit on the Dominion EMS server or is it somewhere
24 else in that air gapped network?

25 MR. DENTON: Objection.

1 A. It does -- it does not share the same
2 server. I don't know -- the poll pad, you'd have
3 to ask Michael Barnes about that.

4 Q. Okay.

5 A. Where that one is.

6 Q. Okay. And what's the basis for your
7 belief that the voter registration data set
8 that's used with the Dominion system doesn't set
9 on the EMS server?

10 A. Are you saying the extract that comes
11 out of the voter registration system or the data
12 from the -- the whole voter registration system
13 data.

14 Q. The extract that's used with -- with
15 the Dominion software.

16 A. So the ballot building software does a
17 extract from the voter registration system for
18 candidates. It brings over candidate
19 information, not voter information. So that
20 comes off and gets put over there. Poll pads are
21 interested in valid voters. So you have two
22 environments. One is interested in candidates,
23 one is interested in voters.

24 Q. Got it.

25 Okay. The candidate information, that

1 is what sits on the EMS server. The voter
2 registration data, meaning about the voters
3 themselves, does not. Do I have that right?

4 A. That would go over to wherever the poll
5 pad software is.

6 Q. Got it.

7 Okay. The candidate information that's
8 loaded to the EMS ballot building server, where
9 does that candidate information come from?

10 A. Candidate comes from the voter
11 registration system. We actually store it within
12 the same environment. So it's a sub application
13 of the voter registration is the candidate. We
14 call it the candidate module.

15 Q. And when you say it's stored in the
16 same environment as the EMS, what -- what do you
17 mean?

18 A. Not as -- the candidate information is
19 collected and managed in the voter registration
20 system. Not the EMS.

21 Q. Got it.

22 So when you said stored in the same
23 system, you meant the voter registration system,
24 not the EMS server?

25 A. Correct.

1 Q. Okay. Got it.

2 Have you given any consideration to
3 asking Fortalice to do penetration testing for
4 CES this year?

5 A. We haven't. It's not outside the
6 purview of something that we could do. I mean,
7 it's an interesting thought.

8 Q. Sure.

9 A. Not sure what they would do. But, I
10 mean, that's -- that's their job. And they --
11 it's -- as I said, it's an air gapped
12 environment. Not sure -- you know, your -- it
13 would not be a typical penetration test, which is
14 Internet based. That's what penetration test is,
15 an Internet based. And since this is not tied to
16 the Internet, not sure what they would do. But
17 it's a question. It's a valid question we could
18 ask.

19 Q. So take a look at paragraph 15, please,
20 in your declaration from 2019. Do you have that
21 in front of you? It begins with additionally.

22 A. Yep, I see it.

23 Q. And here you wrote, Additionally now
24 all watermarked ballot proofs and database
25 structure reports prepared for each county are in

1 PDF format only and placed within a
2 county-specific folder on the Secretary of State
3 IT managed and secured file transfer protocol or
4 what's called an SFTP site.

5 Do you see that?

6 A. Yep.

7 Q. Is that the same process with the
8 Dominion system today or has that process
9 changed?

10 MR. DENTON: Objection.

11 A. I believe that's the same process.

12 Q. Okay.

13 A. I have not heard it's changed. That is
14 not stored within the domain of that air gapped
15 environment. That is outside of that
16 environment.

17 Q. Okay. If you look at paragraph 16,
18 here you wrote, Likewise, the only non PDF files
19 made available to counties through the Secretary
20 of State's SFTP site are ExpressPoll logic and
21 accuracy testing, ExpressPoll absentee and
22 ExpressPoll bulk update data sets.

23 Do you see that?

24 A. Yes.

25 Q. And do you have an understanding, is

1 that also the same process today with Dominion
2 and the poll pad software that's used?

3 A. That would be a Michael Barnes
4 conversation.

5 Q. Okay. Is it your belief that logic and
6 accuracy testing done on BMDs provide
7 cybersecurity assessments for those machines?

8 A. It is one of the layers we use.
9 Remember I said that security is not one thing,
10 it's one of many layers. It's an important to
11 valid validate that the software that's on there
12 is what you expect to be on there and there's
13 nothing else on that system. So yes, it is one
14 of the layers.

15 Q. And is it your understanding that logic
16 and accuracy testing actually validates the
17 software that's on a given BMD?

18 A. It validates that it matches a hash
19 test. Means if you hash the file, you will get a
20 respondent hash. If you hash a file that has
21 been modified at all or is of a different
22 structure, meaning something hiding there with
23 the same name, it will come back a different
24 hash. And it will fail.

25 Q. But do you understand that it's common

1 with malware to design malware so that it defeats
2 the hash test, meaning it will spit back the same
3 hash that you're looking for when you're doing
4 something like logic and accuracy testing?

5 MR. DENTON: Objection.

6 A. I don't have any -- any document that
7 says that.

8 Q. That's not something you've heard
9 before?

10 A. Nope.

11 Q. Okay. All right. Take a look at
12 paragraph 18, please.

13 Do you have that in front of you?

14 A. Yes, I do.

15 Q. And here you wrote, State defendants
16 also conducted parallel testing on election day
17 for a copy of an actual county GEMS database is
18 used with a voting machine set up in the
19 Secretary of State's office and set an election
20 mode for a specific real county precinct.

21 Do you see that?

22 A. Yes.

23 Q. Is that same sort of parallel testing
24 done today with the Dominion system?

25 A. I'm not aware of that.

1 Q. You just don't know one way or the
2 other?

3 A. Correct. I have not heard that that's
4 being done. That doesn't mean it's not being
5 done. I just not -- have not heard of it. I did
6 know this because I was involved with helping
7 them set it up.

8 Q. Would you expect Michael Barnes to know
9 the answer to this?

10 A. Yes.

11 Q. Okay. And when you wrote this, was it
12 your understanding that this sort of parallel
13 testing is an effective way to test the security
14 of the voting equipment in the state?

15 A. It's one of many ways to test. As I
16 said, it's part of the layered approach is you
17 come at the problem from multiple different
18 directions looking for anomalies.

19 Q. But this is one of them; is that fair?

20 A. Yes, yes, this is one of them.

21 Q. Okay. Have you ever heard from any
22 election security experts that this sort of
23 parallel testing actually does not provide a
24 reliable indication of whether the voting
25 equipment is secure?

1 A. No, I've never heard of that.

2 Q. Okay.

3 A. Not sure what they would base that on,
4 but...

5 (Exhibit 4: LinkedIn Printout of
6 Merritt Beaver's profile page marked for
7 identification, as of this date.)

8 Q. All right. Let me pull up the next
9 exhibit. Give me one second.

10 All right. Exhibit 4 should pop up in
11 a moment here. If you can open that, Mr. Beaver.

12 A. Okay. All right. I have it open.

13 Q. Does this look to be a fair and
14 accurate copy of your LinkedIn profile?

15 A. I haven't looked at LinkedIn in so
16 long. I'd have to compare. But it looks like
17 maybe what I did. It's probably been a couple of
18 years since I've looked at it.

19 Q. Okay. And that gets to the next
20 question I was going to ask you. Is this -- I
21 see that it has your current position, chief
22 information officer at Georgia Insurance and
23 Safety Fire Commission and Georgia Secretary of
24 State. Is that still your current position?

25 A. Yes.

1 MR. DENTON: Objection.

2 Q. Just read through this, if you would
3 take a moment, and tell me are -- are there any
4 professional positions you've had that are not
5 listed here that you think you would want to
6 identify today?

7 MR. DENTON: Objection.

8 A. I'm not sure what you're asking. It's
9 a overview of, you know, 35 to 40 years of work.

10 Q. Yeah, I'm just trying to make sure
11 whether this generally captures your -- your work
12 experience over the years or is there some
13 significant job or position you've had in the
14 past that -- that's not reflected here?

15 MR. DENTON: Objection.

16 A. It is my profile that I wrote.

17 Q. And is it a generally accurate
18 reflection of your work experience over the
19 years?

20 MR. DENTON: Objection.

21 A. I -- I would say it's what I wrote
22 based on what I felt that I needed to put out on
23 LinkedIn.

24 Q. Okay.

25 A. I mean, I can't tell you about -- when

1 you say accurate, I don't know what the context
2 of that conversation is. It is my view of my
3 past.

4 Q. Well, is there anything in here that
5 you think may be incorrect?

6 A. Not that I can see.

7 Q. Okay. And your education, you
8 graduated from Virginia Tech -- sorry, graduated
9 from Virginia Tech in 1981 with a degree in
10 electrical engineering; is that right?

11 A. Correct.

12 Q. So you do not have a degree in computer
13 science; is that right?

14 A. No. I have an electrical engineering
15 degree. Not sure what that means, but...

16 Q. Well, when you say no, are you saying
17 that I'm wrong or --

18 A. No. I mean, you asked me do I have a
19 computer science degree. No, I have an
20 electrical engineering degree.

21 Q. And those are -- those are distinct
22 degrees, right?

23 You could have gotten a degree in
24 computer science, you chose electrical
25 engineering; is that -- is that right?

1 MR. DENTON: Objection.

2 A. I'm not sure what you're asking. I
3 mean, yes, there are -- colleges give lots of
4 degrees. I picked the career -- or not the
5 career, the degree that I was going after was
6 electrical.

7 Q. All right. It's -- it's not meant to
8 be a trick question. I'm -- some people have
9 degrees in computer science. And I'm just trying
10 to understand when you were going to Virginia
11 Tech and got your electrical engineering degree,
12 that's not a computer science degree?

13 A. Correct.

14 Q. Okay.

15 MR. DENTON: Objection.

16 Q. Do you recall in 2018, just a few days
17 before the November election, that then Secretary
18 Kemp publically announced that the Democratic
19 party of Georgia had tried to hack some component
20 of the election system?

21 A. Yes.

22 Q. Were you involved in that situation at
23 all?

24 A. Yes.

25 MR. DENTON: Objection.

1 Q. What was your involvement?

2 A. As the CIO, I was brought in to help
3 analyze what was going on, to help lead the --
4 basically the team to figure out just what was
5 going on with the system. I believe legal
6 contacted me.

7 Q. What did you determine was going on at
8 that time with that incident?

9 A. You mean at that specific time when I
10 was brought in?

11 Q. Yes.

12 A. Didn't know. I had to bring a team
13 together to see if we can analyze what was going
14 on, both our vendor and Fortalice.

15 Q. Was the vendor PCC?

16 A. Yes.

17 Q. Before the Secretary's office made the
18 accusation of a hack by the Democratic party of
19 Georgia, did you offer any view to anyone in the
20 Secretary's office on whether there had been some
21 attempted hack?

22 A. Did I have -- I was asked information
23 that came from a third party person who was tied
24 to the Democratic party office. Their e-mail
25 address was Democratic party, whatever their

1 e-mail it was. That was identified in the e-mail
2 saying I have hacked the system. That's what the
3 e-mail said. So the person's e-mail with the
4 e-mail address of being from the Democratic party
5 stated in the e-mail I have hacked the system.
6 That's what raised the first question that gee,
7 looks like somebody in the Democratic party has
8 declared they have hacked the system.

9 Q. And you --

10 A. The question --

11 Q. You saw an e-mail from someone with a
12 Democratic party of Georgia address that had the
13 words I hacked the system?

14 A. Yes. Yes. Well, it said essentially I
15 have broken into the system or I have been able
16 to breach the system. I have proof that I can
17 get into the system, something like that. I
18 don't know if they used the word hacked, but they
19 said I, to be read as the person who wrote the
20 e-mail, have compromised, hacked, whatever you
21 want to call it. I don't know what the words
22 are. I have to go see if we can find that
23 e-mail.

24 So our assumption is if somebody who's
25 sending an e-mail from the Democratic party

1 e-mail address stating I have compromised your
2 system, sounds like somebody from the Democratic
3 party has tried to hack our system. I'm not sure
4 what other assumptions you would make. So that
5 was our first view.

6 Q. You thought someone in the Democratic
7 party of Georgia hacked some component of the
8 election system and then sent you an e-mail and
9 told you they had done that; is that right?

10 A. They didn't send it to me. I said I
11 got a copy of an e-mail. An e-mail was actually,
12 I think, and I'd have to go back through, sent to
13 counsel for the Democratic party who knew that
14 apparently we were in litigation, knew that he
15 needed to share information and sent a copy
16 across, which was shared with me. So I did not
17 get the e-mail. It was a shared e-mail from
18 legal counsel and I think it was the Democratic
19 party's legal counsel. But it's been a long
20 time. I don't have all of the details in front
21 of her -- in front of me.

22 MR. CROSS: Alex, we request production
23 of all the e-mails associated with what
24 he's discussing. Because I don't think
25 we've seen anything like that.

1 A. Now, we later found out that the person
2 claimed that the message was not I have -- from
3 the e-mail sender, she said oh, well no, I just
4 cut and pasted from somebody else's e-mail into
5 my e-mail and sent it directly. But on initial
6 seeing of it, we -- nobody had talked with that
7 person directly.

8 Q. When did you --

9 A. Learned days later.

10 Q. Sorry, it was days later?

11 A. Yes. As far as I remember. As I said,
12 it's been a number of years. I don't have all
13 the time frames down.

14 MR. DENTON: David, I'm told that you
15 may already have that e-mail. I certainly
16 will take another look to follow up. But I
17 understand that may have -- whatever Mr.
18 Beaver is referencing may have already been
19 produced.

20 MR. CROSS: Okay. Yeah, if you guys
21 could confirm with him, check his e-mails.
22 Because what he's describing sounds quite
23 different.

24 Q. Okay.

25 A. Do we want to go into what actually

1 happened.

2 Q. Yeah, we're going to walk through that.

3 A. Okay.

4 Q. The -- do you recall the time frame of
5 this was the election was on a Tuesday in
6 November, as usual, and the Secretary's office
7 learned of this incident on the Saturday before.
8 Does that sound about right?

9 A. I think the actual communication was on
10 Friday night and a lot of activities happened
11 overnight and a lot of it came -- more details
12 came out on Saturday.

13 Q. Okay. And the Secretary released the
14 statement about the Democratic party on Sunday
15 morning before the election.

16 Do you recall that time frame?

17 A. It sounds right. I mean, I'm not -- I
18 wouldn't swear to it. I just know it was
19 something was released.

20 Q. Did you ever learn that I personally
21 had a conversation with John Salter, the
22 Secretary of State's trial counsel at that point
23 in this Curling litigation, on Saturday and
24 explained to him that this was coming from a
25 concerned voter that just stumbled upon this

1 vulnerability and that it had nothing do with the
2 Democratic party and that we reported it to him
3 so he could alert the Secretary's office; is that
4 something you're aware of?

5 A. Not aware -- no.

6 Q. So you're not aware that the
7 Secretary's office learned that before it
8 released the statement about the Democratic party
9 on Sunday?

10 A. I'm not aware of that.

11 Q. Okay. And so when you were looking
12 into this situation and what was going on, no one
13 conveyed that information to you?

14 A. Correct.

15 Q. All right. I do want to talk through
16 the details of this. But we have to take a short
17 break, Mr. Beaver, because the court has a
18 hearing in this case at 11:30 that shouldn't take
19 very long. So let's go off the record.

20 THE VIDEOGRAPHER: The time is 11:27.

21 We're off the record.

22 (A BRIEF RECESS WAS TAKEN.)

23 THE VIDEOGRAPHER: The time is 12:35.

24 We're back on the record.

25 MR. DENTON: David, before you

1 continue, sorry, I learned during the break
2 that Mr. Beaver had previously informed us
3 that regards his availability for today
4 that he has a flight tonight and that he
5 needs to be out of the office by 4:15 or
6 4:30 at the very latest. I don't know
7 whether that was communicated to you. But
8 I wanted to let you know. And I'm hopeful
9 that you'll be able to wrap up by 4:15 so
10 he can catch his flight.

11 MR. CROSS: Okay. Yeah, I mean, we --
12 I surely don't want anybody to miss a
13 flight. I don't -- I don't remember us
14 learning that. We'll get you out
15 regardless. And if we still have time we
16 need, we can figure that out at the end.
17 But certainly no one's going to make you
18 miss a flight, Mr. Beaver.

19 MR. DENTON: Thanks, David.

20 MR. CROSS: Yeah.

21 A. Can you guys hear me now?

22 Q. Yes.

23 A. Okay. We were playing with the
24 microphones before.

25 Q. Okay. All right. Mr. Beaver, we left

1 off talking about the incident in -- just before
2 the November 2018 election involving an
3 allegation of attempted hacking by the Democratic
4 party of Georgia. And you asked me at some point
5 if I wanted to know what actually happened. I
6 do. So tell me what you know about that
7 situation, if you would, please.

8 A. Well, there's a whole stir around the
9 communication back and forth of how we got the
10 information. That's probably better told by our
11 legal counsel because I think they lead that
12 communication. The actual analysis of what was
13 going on that they were declaring a -- I think
14 the term of theirs was a major breach was
15 actually what happened was somebody discovered a
16 programming issue we had with our my voter page.
17 So that's not the voter registration system. The
18 my voter page is a separate application that uses
19 a non-readable or non-edible data extract from
20 the voter election system. That means it is a
21 one-way transfer of data from voter election
22 system to the database that my voter page works
23 on.

24 The bug that they found was that if
25 somebody goes in and looks up their precinct

1 information, they can print out essentially what
2 looks like a precinct card or an information
3 about where to go vote. And they found that if
4 they take the URL and change the last digit,
5 which was the counter, to a prior counter, they
6 could pull up somebody else's voter registration
7 card and see where they could vote.

8 Now, that's bad practice for any system
9 to be able to allow people to do that. It was
10 not a breach in the ability to go in and modify
11 any data. But it did expose, I guess, voter
12 registration precinct cards for the past. And I
13 think the window was like an hour when cache gets
14 cleared. So you can go back and probably see 20
15 or 30 cards of people if you just walked back
16 through the numbers.

17 We discovered that with the help of
18 both civics and Fortalice to figure out just what
19 it was.

20 We also went back through the system to
21 see whether or not the perpetrator was able to do
22 anything more than just pull up prior records.
23 And they were not. They were not able to
24 actually penetrate into the system. They were
25 able to just pull up the last X number of

1 precinct cards that somebody had displayed on
2 their computer. So that was actually fixed
3 overnight. I can't remember whether it was fixed
4 Friday night or Saturday night. But one of those
5 two nights it was fixed before Sunday. And then
6 it became more -- after we fixed it, we went back
7 and did the forensics to see whether or not
8 anything had got further into the system and had
9 discovered no, that nothing was actually breached
10 into the system. They were able to just print a
11 few precinct cards.

12 Q. Okay. The vulnerabilities that were
13 identified with the system at that time,
14 Fortalice found that those vulnerabilities did,
15 in fact, exist with the system, but that there
16 was no evidence that they were exploited in a way
17 that they would alter data or take data out of
18 the system; is that fair?

19 A. Correct.

20 Q. Okay. And you mentioned the my voter
21 page, there was a second system that Fortalice
22 looked at at the time that's called is it OLVR or
23 something like that?

24 A. Online voter registration system, yes.

25 Q. And those are two separate systems,

1 right?

2 A. Correct.

3 Q. And Fortalice found vulnerabilities
4 with each of those two systems. But, again, no
5 evidence that data had been altered or extracted;
6 is that right?

7 A. Correct. And both were fixed.

8 Q. Right.

9 And measures were taken by the
10 Secretary's office sometime in that weekend when
11 this issue came to light to -- to mitigate both
12 of those vulnerabilities; is that right?

13 A. Yes. My best -- well, I know we fixed
14 the stuff right away that weekend, so...

15 Q. Okay. Did you -- were you given an
16 opportunity to review any of the public
17 statements that the Secretary's office put out or
18 any communications with the press about those
19 incidence before those statements were made?

20 A. Not that I recognize -- I mean,
21 remember. I mean, I focus on the IT
22 infrastructure press releases and all that media
23 kind of stuff is handled by the Secretary's front
24 office.

25 Q. Okay. And was there ever a time in the

1 few days that the Secretary was dealing with this
2 incident in making statements about it or his
3 office was where anyone consulted you on what to
4 say to the public or the press about this?

5 A. No. I think legal assumes engineers
6 aren't -- don't make the best press people.

7 Q. Okay. When did you first learn that
8 there actually was no attempted hack?

9 MR. DENTON: Objection.

10 A. I'm -- I guess I don't understand quite
11 what you mean by learned that there was no --
12 when you say when did we discover that it wasn't
13 actually a successful penetration?

14 Q. No. When did you first learn that no
15 one had actually tried -- that there was no bad
16 actor who had actually tried to hack any aspect
17 of the -- of the my voter page or the OLVR?

18 MR. DENTON: Objection.

19 A. It was part of -- I'm -- I will say I'm
20 assuming from your question you're asking when
21 did we discover that all this person was able to
22 do was print prior precinct cards and not able to
23 penetrate the system. That was later in the week
24 when forensics -- the forensics were done by
25 Fortalice. I think we actually figured it out

1 before the election. But I can't swear to when
2 we actually determined okay, everything is clean
3 and safe.

4 Q. Are you aware that GBI, the Georgia
5 Bureau of Investigation, conducted its own
6 investigation into this incident?

7 A. I'm pretty confident the answer is yes.
8 I do recall working with -- I'll say working or
9 talking to GBI about it. So I guess yes.

10 Q. And were you aware that the GBI found
11 that there was no attempted hack?

12 A. I think that's what I remember hearing.
13 So that that was their -- I think their claim was
14 that they could not prove that there was an
15 attempted hack.

16 Q. Well, that there was no evidence of an
17 attempted hack, right?

18 A. I don't know whether that's a semantic
19 question. If they -- if they working with the
20 detectives they're saying that they could not
21 find substantial proof, I don't know what
22 insubstantial or other things they had. But I
23 just know that they said they didn't have enough
24 to bring charges for the -- the action. And
25 that's how -- where it was left with me. I mean,

1 I wasn't consulted. I was just sort of brought
2 up to date by the detective.

3 Q. Are you aware that the GBA -- the GBI
4 found and recommended closing the case as a
5 result of this finding that, quote, the
6 investigation by the GBI revealed no evidence of
7 damage to the Secretary of State's office network
8 or computers and no evidence of theft, damage or
9 loss of data, are you aware of that finding?

10 MR. DENTON: Objection.

11 A. I don't recall reading that. I
12 probably had somebody tell me that. I mean, that
13 does not sound different. I just -- I know that
14 the issue basically was put to bed that other
15 than someone claiming -- making a claim versus
16 actually doing something was what really
17 happened.

18 Q. And you've talked a bit about this
19 individual who raised the concern about the my
20 voter page. But didn't it also come to light
21 that some of what lead the Secretary's office to
22 make the hacking accusation was actually standard
23 testing by the Department of Hum- -- Department
24 of Homeland Security on the Georgia state system?

25 A. Well, you're -- now you've brought in a

1 whole new event, which I think was back in -- was
2 it 2016?

3 Q. Didn't -- wasn't this what happened in
4 2018 at the same time?

5 A. No. As far as I know, the -- the
6 Department of Homeland Security event I'm pretty
7 confident was back in 2016.

8 (Exhibit 5: Atlanta
9 Journal-Constitution article entitled Case
10 files discredit Kemp's accusation that
11 democrats tried to hack Georgia election
12 marked for identification, as of this
13 date.)

14 Q. All right. Grab Exhibit 5, if you
15 would, please. Just let me know when you've got
16 it in front of you.

17 A. I have it now.

18 Q. And do you see this is a Atlanta
19 Journal Constitution article about the hacking
20 allegations from 2018 we were just discussing?

21 A. Yes.

22 Q. Have you seen this article before? Do
23 you recall seeing it?

24 A. No. I mean, there was so much stuff in
25 the press. I -- I don't tend to read all this

1 stuff.

2 Q. Okay.

3 A. So...

4 Q. Are you familiar with Mark Niesse, the
5 reporter here?

6 A. I think I've heard the name.

7 Q. Okay. If you look at the first
8 paragraph at the bottom of page 1, do you see
9 here the report indicates, Two days before the
10 2018 election for Georgia governor, Republican
11 Brian Kemp used his power as Secretary of State
12 to open an investigation into what he called,
13 quote, a failed hacking attempt, closed quote, of
14 voter registration systems involving the
15 Democratic party.

16 Do you see that?

17 A. Yep.

18 Q. And then if you come down to the second
19 page, you look at the fourth paragraph. Do you
20 see the sentence quoting a memo about the GBI
21 finding that I just read to you?

22 A. Now, which paragraph now?

23 Q. The fourth paragraph on page 2.

24 A. Starts with the investigation by GBI?

25 Q. Yes.

1 A. Reveals no evidence of damage. Yes, I
2 see that.

3 Q. Great.

4 If you come to the next paragraph, do
5 you see that begins with the Internet activity?

6 Do you see that paragraph?

7 A. Yep, yep.

8 Q. And there it reads, The Internet
9 activity that Kemp's staff described as hacking
10 attempts were actually scans by the U.S.
11 Department of Homeland Security. But the
12 Secretary of State's office had agreed to,
13 according to the GBI. Kemp's chief information
14 officer signed off on the DHS scans three months
15 beforehand.

16 Do you see that?

17 A. I see that.

18 Q. Does that refresh your recollection
19 that part of what lead Secretary Kemp's office to
20 accuse the Democratic party of Georgia of hacking
21 just before the election in 2018 were actually
22 lawful authorized scans by the Department of
23 Homeland Security?

24 MR. DENTON: Objection.

25 A. I can't say what group Kemp -- all I

1 can say is the things -- I don't recall this. I
2 do recall in 2016 DHS doing scans on --
3 unauthorized scans of our system. That was
4 brought to the attention of DHS. And it was
5 initially -- they said they didn't do it and then
6 later came back and tried to explain that it was
7 -- oh, it's actually somebody in a remote office
8 doing something that they had no control over.
9 So I don't know this specific event. I would
10 have assumed that this was -- could have been a
11 misinterpretation of something that happened two
12 years prior. But I don't have any recollection
13 of this statement.

14 Q. So you don't recall a report from
15 Fortalice finding that in 2018, just a few days
16 before the election involving the OLVR, the DHS
17 was actually running scans that you personally
18 had authorized at that time and that those were
19 misconstrued as hack attempts by the Secretary's
20 office?

21 MR. DENTON: Objection.

22 A. I don't recall that.

23 (Exhibit 6: E-mail string with the top
24 from Kevin Robertson dated 7/1/2020 marked
25 for identification, as of this date.)

1 Q. Okay. All right. Let me pull up the
2 next exhibit.

3 All right. Grab Exhibit 6, if you
4 would, please.

5 A. [REDACTED]?

6 Q. That's right. Yes. Let me make sure.
7 Yes.

8 So do you see that this is [REDACTED]
9 that you -- sorry, strike that.

10 This is an [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

13 A. Okay.

14 Q. And then if you come down to the
15 [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

18 Do you see that?

19 A. Yes, [REDACTED]

20 Q. Right. [REDACTED] [REDACTED]
[REDACTED]

22 A. Yes.

23 Q. And are you familiar with [REDACTED]
[REDACTED]

25 A. He -- not directly. I know the name

1 back then. Really didn't deal a lot with the
2 Dominion people day in, day out. So there was
3 some guy named [REDACTED], so yes.

4 Q. And I was going to ask a question, does
5 your team or department have responsibility for
6 dealing with Dominion regarding election security
7 issues?

8 MR. DENTON: Objection.

9 A. Very limitedly. Depends on -- the
10 concept with the scope of what you're asking for
11 is broad so you'd have to need to narrow it down
12 as to just what. Our -- our involvement is
13 creating an environment that is secured for them
14 to put their application in. And then we install
15 their application. Now, the development of that
16 application at their site is their
17 responsibility.

18 Q. And if an election security -- strike
19 that.

20 If a vulnerability concern is raised
21 with any of the Dominion equipment or software,
22 is that something your team handles or is that
23 something someone else handles for the Secretary
24 of State in terms of dealing with Dominion to
25 address that?

1 MR. DENTON: Objection.

2 A. I can't tell you specifically because
3 sometimes we get pulled in, sometimes we don't.

4 Q. And do you know how the determination
5 is made as to whether you're pulled in on
6 something like that?

7 A. We do not have a protocol.

8 Q. Who makes that decision, whether to
9 include your team?

10 A. It could be somebody from Dominion, it
11 could be Michael Barnes, it could be Gabe
12 Sterling.

13 Q. All right. If you look at this e-mail
14 on [REDACTED] -- and sorry, I should
15 ask, did Kevin Robertson, did he report to you?
16 Was he in your group?

17 A. Yes. He reports to me.

18 Q. Is he still there?

19 A. Did. No.

20 Q. When did he leave?

21 A. Earlier this last -- or late last year.

22 Q. Do you know where he went?

23 A. A company called transform.

24 Q. Still in Atlanta?

25 A. Yes.

1 Q. Why did he leave; do you know?

2 A. Money, I think.

3 Q. All right. [REDACTED]

[REDACTED]

[REDACTED]

6 A. Yes.

7 Q. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

14 Do you see that?

15 A. Yep.

16 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 [REDACTED]

2 [REDACTED]

3 Q. Yeah, and if you need to read through
4 it, go ahead. I don't want -- I don't want you
5 to speculate on anything. So why don't you take
6 a moment and let me know when you're -- when
7 you're finished reading it.

8 A. Okay.

9 Q. Okay. So if you stay at the bottom,
10 the first e-mail in the thread we just looked at,
11 and then you scroll up. Do you see that there's
12 a response from Mr. Feehan two days later on
13 February 16, 2020 to Mr. Robertson?

14 A. Yep.

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 Do you see that?

19 A. Yes.

20 [REDACTED]

21 A. No.

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 A. Yep. No.

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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A. So what we actually did was we actually used the standalone server as the initial Dominion environment. It wasn't even an air gap system. It was a standalone. Wasn't plugged into anything. So there was no network to it. Then we -- that got him through sort of the initial build out to learn how to use the system until we could build out the larger instance of the air gap system. And that's why they brought

1 this back up as we've got to finish building this
2 air gap system so we can get off the standalone
3 server that's not connected to anything and
4 actually plug into an air gap environment so all
5 the people that worked for Michael Barnes to get
6 on the system at the same time. [REDACTED]

[REDACTED]

[REDACTED]

9 Q. Okay. All right. So I think I
10 understand what you're saying. So let me just
11 make sure I have this right. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

22 A. Correct.

23 MR. DENTON: Objection.

24 Q. Okay. And help me understand the --
25 the IT here a bit. So before -- whatever happens

1 after June of 2020 to set up the air gap election
2 center network, I think you said the Dominion EMS
3 was running on did you say a standalone server?

4 A. Yes.

5 Q. Okay. And do you know when that server
6 got set up? Was that sometime in late 2017 when
7 the pilot elections rolled out on the BMDs?

8 A. I think so. Dominion actually supplied
9 the hardware with the software on it. So it was
10 very early on in the process. Essentially when
11 Michael Barnes had to start learning how to use
12 the system to start building ballots. And it was
13 before we could get a air gap environment built
14 and he needed to move forward.

15 Q. Why couldn't you build the air gap
16 environment before the summer of 2020 for the
17 Dominion system?

18 A. We didn't have the hardware needed to
19 do it yet because we were buying all new
20 hardware. We didn't have the network environment
21 run in the building. Remember I said we put all
22 new stuff in. We wanted it to be dedicated. So
23 that takes time. And then there was also what --
24 at one point in time we couldn't just do it. He
25 was in the middle of other election building

1 activities. So he couldn't stop. So we had to
2 look for a window. And typically summer is
3 between the spring elections and the fall
4 elections. So summer is when -- is one of our
5 gaps. So June is -- makes -- to me makes perfect
6 sense when they jumped back in as we're back into
7 our gap or our open window for doing IT work for
8 the election center.

9 Q. So the state was relying on the -- the
10 standalone EMS server that Dominion itself
11 provided until the air gap network was set up in
12 sometime after June 16 of 2020.

13 Do I have that right?

14 A. Yes.

15 Q. Okay. And do you know how long after
16 June 16 of 2020 the air gap network was set up
17 for the Dominion election system?

18 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] I think by August it's got to be done.

22 Q. Okay. If you wanted to know when that
23 was up and running, who would you ask?

24 A. I think I'd have to have someone
25 actually probably go look on a server and see

1 what the dates were that the files were created
2 on that server and that would give us an idea.
3 Unfortunately, like David Hamilton's not here
4 anymore, some of the people that were working on
5 that project are not here anymore. So we'd have
6 to sort of reverse engineer it, kind of look at
7 it and see if we could figure out when it
8 actually came live. But it's in that window.

9 Q. Given that these e-mails were sent to
10 Michael Barnes and 6 Gabriel Stirling, would you
11 expect them to have better insight on when this
12 system was up and running?

13 A. I'm guessing this was more for their --
14 just their knowledge that we're progressing on
15 this project.

16 Q. Okay. If you come down to the second
17 to -- well, come down to the second e-mail. It's
18 the second to most recent e-mail on the first
19 page from Michael Barnes on July 1, 2020.

20 Do you see that?

21 A. Yes.

22 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

1 [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

12 Do you see that?

13 A. Yes.

14 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

18 [REDACTED]

[REDACTED]

[REDACTED]

21 Q. Why is that?

22 A. Because current versions of Adobe need

23 to be connected to the Internet to get licensed.

24 You couldn't just take a license key over and put

25 it into it. It has to phone home. So after --

1 we went through a number of trials and after
2 30 days or something the license -- the temporary
3 one would run out and they said hey, Adobe
4 stopped working because it can't phone out.

5 So that one I know got in there. I
6 know they use Excel and Word. So that must have
7 gotten on there. Browsers come with Windows, so
8 that's not a big deal.

9 Q. Do you know how the -- what the
10 solution was for the licensing issue you
11 identified?

12 A. Yes. We had to go to a very old
13 version. So we had to go back in time
14 essentially, and look at our oldest license copy
15 of Adobe that was functional without an online
16 verification. I think it was actually a 2015
17 version that we had to go back to.

18 Q. And do you know if you needed to do the
19 same -- oh, sorry. Go ahead.

20 A. It didn't phone home.

21 Q. Okay. And do you know if you needed to
22 do the same for any of the other applications
23 like Word or Excel?

24 A. No. Because we have license keys that
25 we can put in.

1 Q. Okay. Got it.

2 Have you personally inspected the air
3 gapping of this network to confirm that it is, in
4 fact, air gapped as you understand that term?

5 A. I have not. I have been over to see
6 it, but I haven't done, like, electrical
7 inspection of it. So I -- I know which room it's
8 in. I can point to the rack and say that's it.

9 Q. Okay. Let me pull up the next exhibit.

10 A. Next exhibit. All right.

11 Q. Just give me a minute.

12 A. Tell me when to refresh.

13 (Exhibit 7: E-mail string with the top
14 from Kay Stimson dated 12/2/2020 marked for
15 identification, as of this date.)

16 Q. All right. Go ahead. You should have
17 Exhibit 7.

18 A. Okay. Got it open. From Kay Stimson?

19 Q. Yes.

20 A. Okay.

21 Q. Do you see Exhibit 7 is an e-mail that
22 Kay Stimson sent to you and others at the
23 Secretary of State's office on December 2nd,
24 2020.

25 Do you see that?

1 A. Yes.

2 Q. And are you familiar with Ms. Simpson?
3 Have you dealt with her?

4 A. No, I don't know who she is.

5 Q. If you come down to the bottom of
6 Exhibit 7, do you see there's an e-mail from
7 Walter Jones in the Secretary's office?

8 A. Yes.

9 Q. And he e-mails you, Ms. Stimson, Ms.
10 Fuche, Ari Schaffer, Gabriel Sterling. It
11 indicates that a reporter with Georgia Star News
12 asked what the protections against the
13 introduction of malware were in place when the
14 Dominion tech on the Gwinnett video used a flash
15 drive on a laptop connected to E-Net.

16 Do you see that?

17 A. Yes.

18 Q. Do you recall this situation?

19 A. Vaguely. Not really well. There was
20 numerous events that happened with Dominion
21 techs.

22 Q. And tell me about that.

23 A. For some reason my phone hung up. Is
24 there a timer?

25 Q. We don't have a timer on it. Do you

1 want to just dial back in? You should be able to
2 dial in the same way.

3 A. Switch to phone audio.

4 Okay. Can you hear me?

5 Q. Yes. Thank you, Mr. Beaver.

6 A. Okay. Sorry about that. I'm not sure
7 what happened.

8 Q. No problem.

9 A. All right. Let's go back to your
10 question.

11 Q. Yes. You said there were a number of
12 issues that came up with the Dominion techs. And
13 tell me about that. What do you mean?

14 A. We had death threats against Dominion
15 techs by people in the public. We had people
16 that were filming them doing just their daily job
17 trying to create stories around them, trying to
18 hack systems when they were just doing their
19 regular job. So this sounds like it was a
20 specific incident. So I don't know specifically
21 which one of the incidents it was. But it's --
22 anyway, so somebody filmed a tech doing
23 something. So now I'm not sure how they knew
24 this person had a laptop connected to E-Net. No
25 details of that.

1 Q. Do you know whether there was any
2 investigation by the Secretary's office into the
3 situation report here?

4 A. I don't know.

5 Q. Who would you ask if you wanted to find
6 out?

7 A. Who would I ask? I'd probably have to
8 go back to Walter Jones. May have to call Dave
9 Hamilton to see if he recalls anything on this.
10 There was a lot of press churn going on during
11 2020.

12 Q. If you take a look at Ms. Stimson's
13 e-mail, do you see if you come down five lines --
14 no, I'm sorry, six lines, there's a sentence in
15 the middle that begins, Even if a malicious
16 insider. Do you see that?

17 A. Even if --

18 Q. And she writes there, Even if a
19 malicious insider tried to add malware using a
20 dirty USB, the voting system is certified through
21 a federal standard which requires software
22 independence, meaning it must be auditable and
23 its tabulation record cannot be based solely on
24 its software.

25 Do you see that?

1 A. Yes.

2 Q. Do you have an understanding as to
3 whether the Dominion BMD system is software
4 independent?

5 A. I'm not sure I understand your
6 question. It's software independent.

7 Q. Sorry. The question is just that do
8 you have -- do you have any understanding as to
9 whether the Dominion BMD system used in Georgia,
10 whether it's considered software independent?

11 MR. DENTON: Objection.

12 A. I've never heard that term.

13 Q. Okay. Where she goes on to say that
14 the system must be auditable and its tabulation
15 record cannot be based solely on its software, do
16 you have an understanding of whether the
17 tabulation record in Georgia with the DM -- the
18 BMD system is based on the software?

19 MR. DENTON: Objection.

20 A. I can tell you there's no voting on a
21 BMD system. All you're doing is marking a
22 ballot. So if somebody says you are maliciously
23 changing votes, there are no votes counted on a
24 BMD. So I am -- you know, I can only speculate
25 here. But the whole conversation is sideways.

1 Because we don't count ballots on BMDs. It's
2 counted over on the scanner, which runs different
3 software completely than what's on the BMD.

4 Q. All right. The software on the scanner
5 tabulates a QR code on the ballot in the current
6 system, right?

7 A. I believe that's correct.

8 Q. And are you aware of any research or
9 testing of the Dominion BMD system by any
10 election security experts who found that the QR
11 code can be changed so that it doesn't actually
12 match what the voter intended when they voted on
13 the BMD?

14 A. No, I'm not.

15 Q. Is that -- assuming that were a
16 vulnerability with this system, that that could
17 -- that that were doable, is that -- or that was
18 a finding that was reached, is that something you
19 would expect to know?

20 A. I don't know. No, apparently not. If
21 it was a finding and I don't know.

22 Q. Okay. Would you expect measures to be
23 taken to mitigate any vulnerability like that?

24 MR. DENTON: Objection.

25 A. I'd -- I'd have to know more about it.

1 I mean, you're describing something that, you
2 know, could take all kinds of shapes. I --
3 there's -- there would be more investigation to
4 understand it. I mean, it's kind of like that
5 conversation we had earlier where initially it
6 looks really bad only to find out there's no
7 evidence. So this could be the same thing.
8 Initially it looks bad, but could come out as
9 there's no evidence.

10 (Exhibit 8: ImageCast X ballot marking
11 device document marked for identification,
12 as of this date.)

13 Q. All right. Let me grab the next
14 exhibit here. Give me one second.

15 All right. Grab Exhibit 8, if you
16 would, please.

17 A. Refreshing.

18 Okay. Some document from ImageCast X
19 ballot marking device.

20 Q. Yes.

21 A. The name of the --

22 Q. Yeah.

23 And let me ask you, have you seen --
24 what exhibit are we up to? Have you seen
25 Exhibit 8 before?

1 A. What page is that on? Figure 1.

2 Q. And take a moment to flip through
3 Exhibit 8 if you need to. I just want to --
4 right now I just wanted to know if you've seen
5 this, if you've read this before?

6 A. Oh, this document called Exhibit A.
7 Oh, I was looking in the document. No, I've not
8 seen this document.

9 Q. Okay. Yeah, it's Exhibit -- it's
10 Exhibit Number 8. But I see it's also Exhibit A
11 on the -- sorry, I think we were missing each
12 other.

13 A. Yep.

14 Q. You've got Exhibit Number 8 in front of
15 you?

16 A. Okay. Yes, I do.

17 Q. Okay. And so you've --

18 MR. DENTON: David, this is an
19 attorney's eyes only document, right?

20 MR. CROSS: Yeah. But I just checked,
21 everybody -- there's no one on the Zoom
22 that doesn't have access to this.

23 MR. DENTON: I don't know a lot of
24 these people.

25 MR. CROSS: So Susan Greenhalgh has

1 access. Reema's with us, Zachary's with
2 us, Carey obviously has access, Javier's
3 with you, court reporter. Who is Logan
4 Wren?

5 MR. DENTON: No idea. I guess Marilyn
6 was on --

7 MS. REEMA: He's with us, David.
8 David, he's with us.

9 MR. CROSS: Oh, he's one of our
10 associates. I'm sorry.

11 MS. REEMA: Yes, he's one of the
12 associates.

13 MR. CROSS: Sorry, we added some
14 associates to the team and Logan is one of
15 our new associates. Everybody -- everybody
16 on here has access top the -- to the
17 report.

18 Q. All right. So Mr. Beaver, this is not
19 something that anyone has asked you to review and
20 comment on before?

21 A. No. At least, I've never seen it
22 before.

23 Q. Okay. Are you familiar with [REDACTED]
[REDACTED]

25 A. I saw him in federal court once doing a

1 little magic trick.

2 Q. By magic trick, you mean the
3 demonstration he did when he hacked the Georgia
4 election equipment to alter the tabulation?

5 A. I saw him with a piece of election
6 equipment that he had stripped all electronics,
7 all security, everything that made it a piece of
8 election equipment and reduced it to a computer
9 and then loaded a program that emulated a voting
10 program. But the voting program that he built
11 would tabulate in the wrong columns and then said
12 ta-da, see, this is how malware works. Only
13 later to have his software looked at and say this
14 would actually break a Georgia election piece of
15 equipment. So introducing something like this
16 would actually defeat the whole purpose of what
17 it's trying to do. So yes, I saw his -- his --
18 his act.

19 Q. And you're talking about the
20 demonstration he did in 2018 with the DRE
21 equipment?

22 A. When -- in Totenberg's court.

23 Q. Right.

24 Where he did it live in the courtroom,
25 right?

1 A. Yes, yes.

2 Q. Okay. Are you aware that in the
3 September of 2020 he received current BMD voting
4 equipment from Fulton County supplied by Fulton
5 County to do an analysis of that equipment to
6 test the cybersecurity of that equipment; were
7 you aware of that?

8 A. No.

9 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

17 MR. DENTON: Objection.

18 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

25 Q. Right.

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A. Correct.

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Q. Okay. And I understand that the DRE
equipment he had in 2018 was something that he
did not get from Georgia, he got that through a
third-party source. █

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MR. DENTON: Objection.

15

16

A. I'm not aware of anything to do with
his activity.

17

Q. Okay.

18

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A. The -- it happening or any of the
outcomes.

20

Q. And so do I understand --

21

22

A. I can't comment on anything -- I can't
comment on anything on here.

23

24

Q. And here you mean in Exhibit 8, Dr.
Halderman's report?

25

A. Correct.

1 Q. Okay. All right. Thank you.

2 All right. You can put that aside.

3 Sorry. I accidentally closed Exhibit

4 Share.

5 (Exhibit 9: Document entitled

6

7 [REDACTED] marked for identification, as of
8 this date.)

9 Q. All right. Let me put up the next
10 exhibit. This will be Exhibit 9, Mr. Beaver.

11 MR. DENTON: David, while that's
12 loading, if you're through with Exhibit 8,
13 I don't know whether you are, but I know
14 there have been people on this deposition
15 who should not have access at this time.
16 And that I know, for example, Ms. Marks was
17 in here earlier and indicated that she had
18 access to Exhibit Share. So it might make
19 sense to pull Exhibit 8 back out of the
20 share folder for now.

21 MR. CROSS: I don't have a problem with
22 that. But I don't think I have the ability
23 to do that. Looks like maybe I could block
24 it. See what this does.

25 THE VIDEOGRAPHER: This is the

1 videographer. I'm not sure about the
2 ability to lock or unlock. But I know once
3 a exhibit is introduced into Exhibit Share,
4 the only people that could remove it is
5 Veritext. So I can e-mail them and ask
6 them to remove it if I need to.

7 Q. Mr. Beaver, see if -- and you can try
8 to, see if you can open Exhibit 8 now. I just
9 locked it. I don't know if that means you guys
10 can no longer open it.

11 A. I just opened it again.

12 Q. Oh, you did?

13 A. Yes.

14 MR. CROSS: Alex, can you open
15 Exhibit 8?

16 MR. DENTON: I can as well.

17 MR. CROSS: Oh. All right. It doesn't
18 let me pull it out. But...

19 A. Can we lock out people from joining?

20 MR. CROSS: I don't think Ms. Marks is
21 coming back. But if she comes on, we can
22 -- we can deal with that.

23 MR. DENTON: Yeah, my -- I don't have a
24 full understanding how of how Exhibit Share
25 works. I think you can probably

1 independently access it at any point
2 whether you -- regardless of whether you're
3 in Zoom. So to the extent --

4 THE VIDEOGRAPHER: That is correct.

5 MR. DENTON: To the extent that that's
6 something that needs to be -- have limited
7 disclosure right now, it sounds like from
8 Mr. Miller that we may -- Jonathan Miller
9 that we may need to ask Veritext to pull
10 that back.

11 MR. CROSS: Okay. All right.

12 THE VIDEOGRAPHER: Would you all like
13 me to ask them to do so, counsel?

14 MR. CROSS: Yeah, why don't you, if you
15 don't mind, ask them to pull Exhibit 8 out.

16 THE VIDEOGRAPHER. Exhibit 8. Got it.

17 I'll take care of it. Thank you, sir.

18 MR. CROSS: All right. Thank you.

19 BY MR. CROSS:

20 Q. All right. Mr. Beaver, do you have
21 Exhibit 9 in front of you?

22 A. Yes, I do.

23 Q. All right. Have you seen Exhibit 9
24 before?

25 A. Is there a date on it? Oh, let's see.

1 So this is --

2 Q. [REDACTED]

3 [REDACTED] [REDACTED] If
4 you look at the bottom right corner, you'll see
5 there's this -- it says Fortalice and then
6 there's a little number there ending in 171.

7 Do you see that?

8 A. Mine ends in 172. So that's the second
9 page is 172.

10 Q. Yeah. So that -- that little legend
11 there brand at the bottom right corner indicates
12 that this was a document that was produced to us
13 by Fortalice. [REDACTED]

14 [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 A. You don't have a date on this, do you?

18 Q. I don't?

19 A. When it was produced? I don't recall
20 it. But, I mean, we have conversations back and
21 forth regularly, you know, in every -- [REDACTED]

22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
[REDACTED]

■ [REDACTED] [REDACTED]
■ [REDACTED]
■ [REDACTED]

4 Q. Okay.

5 A. But I don't recall it specifically.

6 Q. Okay. All right. I'll give you the
7 next exhibit.

8 MR. DENTON: And David, I guess a
9 similar comment as to Exhibit 9, this looks
10 like a forward produced document under the
11 confidential AEO designation. So it
12 probably requires the same treatment as
13 Exhibit 8.

14 MR. CROSS: So let's do this, what
15 we've done in the past is -- I don't want
16 to start pulling exhibits out. It's going
17 to get really confusing. Jonathan, can you
18 just -- are you still there?

19 THE VIDEOGRAPHER: Yes, sir.

20 MR. CROSS: Can you just ask Veritext
21 to remove Marilyn Marks' access to this
22 exhibit folder if she has it. That's what
23 we've done in the past. So she will not --

24 THE VIDEOGRAPHER: I will ask if they
25 can do that. They may or may not be able

1 to do that. I'm not hundred percent sure.
2 But I will ask.

3 MR. CROSS: Okay. I know they've done
4 it in the past when we've had a situation
5 --

6 THE VIDEOGRAPHER: And she specifically
7 needs to not have access to Exhibit 8 only?

8 MR. CROSS: No, just pull that access
9 to Merritt Beaver entirely. Because there
10 are going to be a number of confidential or
11 AEO documents.

12 THE VIDEOGRAPHER: Pull her access to
13 the folder for today entirely, correct?

14 MR. CROSS: That's correct.

15 THE VIDEOGRAPHER: Okay. That's easy
16 to do. I can -- I can take care of that.

17 MR. CROSS: All right. Thank you.

18 (Exhibit 10: Document entitled

19

20

21

22 [REDACTED] marked for
identification, as of this date.)

23 BY MR. CROSS:

24 Q. Okay. All right. Grab Exhibit 10,
25 please, Mr. Beaver.

1 A. Okay.

2 Q. Have you seen this before?

3 A. No.

4 Q. So this is entitled [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] And just take a moment if
8 you want to flip through it real quick. But this
9 is not something you recall seeing before from
10 Fortalice?

11 A. As I said, we didn't share reports for
12 the last two years.

13 Q. Okay. So do you know [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

18 A. I don't know. It could be -- I mean I
19 could speculate, but it would be speculation.

20 Q. That's fine. No, no, no, I'm not
21 asking you to guess. That's okay.

22 A. Yeah.

23 Q. All right. Well, if you come down to
24 the substance of the report.

25 A. Okay.

1 [REDACTED]

[REDACTED]

3 A. Yes.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8 Do you see that?

9 A. Yes. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

13 Do you see that?

14 A. Yes.

[REDACTED]

[REDACTED]

17 Do you see that?

18 A. Correct.

[REDACTED]

[REDACTED]

[REDACTED]

22 A. Yes.

[REDACTED]

[REDACTED]

[REDACTED]

1 A. No.

2 MR. DENTON: Objection.

3 A. They have not been.

4 0. Have not been.

5 Okay. Do you know why?

6 A. It would break the software.

7 Q. What does that mean?

8 A. The software would have -- would cease
9 to work.

12 A. Their job is to go find
13 vulnerabilities. Not to determine whether or not
14 it impacts the business. The business then has
15 to look at what is the risk? What's the
16 exposure? Are there alternative ways to
17 remediate? So we have a couple of applications.
18 And over the years we've had a number of issues
19 like this that we have had to remediate that we
20 could not fix the code.

21 So there's other ways to solve this
22 problem. The common solution for this and the
23 one that we have implemented is using something
24 called Cloudflare. Cloudflare is a site that you
25 direct all web traffic through prior to it

1 hitting your application. It is purposely for
2 solving these kinds of problems where it will
3 look at the traffic coming in and basically block
4 anything that has cross-side scripting in it, has
5 sequel injection in it, has black sites that are
6 coming from, things like that.

7 Because the market knows there's a lot
8 of applications out there that has
9 vulnerabilities like cross-side scripting that
10 the -- that the companies just can't fix because
11 they're either too old or they don't have the
12 resources to fix them or they don't -- there's a
13 number of reasons why you can't always fix
14 problems.

15 So in security, you know, the first
16 thing you want to do is go fix the exact problem.
17 If you can't fix the problem, then you come up
18 with an alternative. One of the other -- I mean,
19 another alternative we had was a system that had
20 cross-side scripting was we put it in its own
21 domain so that knowing that the site -- that the
22 application could be hacked. If it was hacked,
23 the hacker would go no further than that
24 application. Couldn't get into anything else.
25 So you basically put it in a corral by itself.

1 A. I'd call Bill Warwick. Even though
2 he's gone, I'd probably have to still ask him.

3 Q. So there's --

4 A. He can probably point me to somebody
5 who knew.

6 Q. Okay.

■ ■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED] [REDACTED]

■ [REDACTED] [REDACTED] I know

12 that for a fact because there were meetings
13 talking about how do we fix some of the PCC
14 applications that had vulnerabilities?
15 Cloudflare was a huge fix for us for a number of
16 the issues.

17 Q. And when did you guys add Cloudflare?

18 A. It was either '19 or '20.

19 Q. And are you still using them today?

20 A. Absolutely.

21 Q. All right. Grab --

22 A. We put it -- we put it in front of all
23 of our applications now, not just elections.

24 (Exhibit 11: [REDACTED])

■ [REDACTED] marked

1 for identification, as of this date.)

2 Q. Grab Exhibit 11, if you would, please.

3 A. [REDACTED]

4 Q. Yes.

5 A. Okay.

6 Q. And Exhibit 11 is [REDACTED]

7 [REDACTED],

8 right?

9 A. Yes.

10 [REDACTED]

11 [REDACTED]

12 Do you see that?

13 A. Yes.

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 Do you see that?

20 A. Yes.

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ █ [REDACTED]

█ [REDACTED]

█ [REDACTED]

7 A. I don't recall specifically what it
8 was.

9 Q. All right. You can put that aside.

█ [REDACTED]

█ [REDACTED]

█ [REDACTED], who would you ask?

13 A. Well, I might go back to Dave and ask
14 him. I might go to Fortalice and see if we could
15 dig up some of the communications that was going
16 on at that time. I think you showed a document,
17 although I'd like to see what that date was on
18 that one, to see whether or not -- it may have
19 been exactly what that -- around that same time.
20 So...

█ █ [REDACTED]

█ [REDACTED]

23 A. Yeah.

24 Q. Yeah, that was -- [REDACTED]

█ [REDACTED]

1 A. Okay. [REDACTED]

2 [REDACTED] So it could very well have been all
3 around that -- I mean, you're -- you're within a
4 week or so of that document being finalized.

5 Q. Okay. But you just don't recall for
6 sure?

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]

10 Q. Okay. Couple follow-up questions on --
11 that I forgot to ask. On Dr. Halderman's report,
12 which was Exhibit 8, are you aware that that
13 report has been sealed, meaning it's been kept
14 confidential since it was issued on July 1?

15 A. As I said, I have never heard of that
16 document, never seen that document. So I
17 wouldn't know anything about how it's being
18 managed.

19 Q. Okay. All right. So no one has talked
20 to you about whether that document should be made
21 public, for example; is that right?

22 A. I have never seen that document. I
23 don't know anything about that document. I
24 wouldn't know anything about that document.

25 Q. Okay. All right. Thank you. I just

1 wanted to be sure. Thank you, Mr. Beaver.

2 All right. Pull up Exhibit 11, if you
3 would, please.

4 A. Oh, 11?

5 Q. Yes, sir.

6 A. This is the same one we just looked at.

7 Q. Oh, yeah, you're right. Sorry. I
8 didn't show you this exhibit yet. Let me do it
9 again. This used to be so much easier when we
10 were in person. Hang on.

11 MR. DENTON: Sorry everyone, we had a
12 power outage here, I think, and knocked me
13 off the system.

14 MR. CROSS: Who was that? Was that
15 Alex?

16 MR. DENTON: Yeah, sorry, I got kicked
17 out and I think I'm back in now. We had a
18 power flicker here that kicked me out.

19 MR. CROSS: Oh, sorry. All right. You
20 good now?

21 MR. DENTON: I am in, yeah.

22 MR. CROSS: Okay.

23 (Exhibit 12: E-mail string with the top
24 from [REDACTED] marked
25 for identification, as of this date.)

1 Q. All right. Grab Exhibit 12, if you
2 would, please.

3 A. [REDACTED]

4 Q. Yes.

5 So it's an e-mail from [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Do you see that?

9 A. Yes.

10 Q. All right. Come down to the bottom,
11 the earliest e-mail, sorry, in this thread --

12 A. Oh, yes.

13 Q. -- on the last page.

14 Do you see this e-mail [REDACTED]

15 [REDACTED]

16 A. Yeah. I think I remember this one.

17 Q. And so you'll see here [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 A. Yep.

25 Q. Do you see that?

1 What do you recall about this
2 situation?

3 A. So it raised a concern. It's what we
4 call an event. So we start the process of
5 investigation, bringing in help. Fortalice does
6 a lot of our forensics. Seems to me we sent a
7 investigator out to that polling place to get
8 that laptop. We packaged it up and sent it up to
9 Fortalice and had them basically go on the site
10 and see whether or not there was any evidence of
11 somebody doing any malicious activity on the
12 computer.

13 Fortalice, if I recall, looked through
14 the whole machine, did all of their, basically,
15 forensic activity and found there was nothing
16 going on that computer.

17 Q. And do I understand right -- oh, sorry.
18 Go ahead.

19 A. I said the only thing we can guess is
20 it was potentially a novice computer person using
21 it and it was -- had done something -- a lot of
22 times people will in the X -- the process of,
23 like, dragging a file to open it will
24 accidentally drag it into another folder and all
25 of a sudden say hey -- hey, somebody deleted my

1 file, somebody's taken over my computer when in
2 reality it was a pilot error. So this was
3 classified as an event, not an incident.

4 Q. Okay. And what's the distinction you
5 draw between event and incident?

6 A. So an event is when something has
7 flagged as a suspicious activity or something
8 that looks wrong that deserves somebody to do
9 investigation. Once you identify, you know, that
10 there is malicious activity going on, it gets
11 transferred to status of an incident and you
12 start a process called an incident response
13 process, which is bringing in the -- you know,
14 the appropriate people, starting to document it,
15 things like that.

16 Q. Okay. And do I understand correctly
17 that there's no written report on Fortalice's
18 findings because of the policy for them not to
19 generate reports on this?

20 MR. DENTON: Objection.

21 A. I don't recall -- I don't recall. Even
22 a -- like a document. I just remember hearing
23 oh, it's -- there's nothing there. They've
24 searched it.

25 (Exhibit 13: E-mail string with the top

1 from [REDACTED] marked
2 for identification, as of this date.)

3 Q. Okay. All right. Grab Exhibit 13,
4 please.

5 A. From [REDACTED].

6 Q. Yes.

7 So this is an e-mail that [REDACTED]
[REDACTED], right?

9 A. Okay.

10 Q. And then if you come down to the
11 earliest e-mail on the thread, the bottom of the
12 page, you see [REDACTED]

[REDACTED]
14 A. Yes.

15 Q. And that [REDACTED]
[REDACTED]
[REDACTED]

18 A. Yep.

19 Q. And the subject line is [REDACTED]
[REDACTED]

21 Do you see that?

22 A. Yes.
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5 Do you see that?

6 A. Yes.

7 Q. What do you recall about this

8 situation, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10 MR. DENTON: Objection.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

17 (Exhibit 14: [REDACTED])

[REDACTED] marked for
19 identification, as of this date.)

20 Q. Okay. All right. Grab the next
21 exhibit, if you would, please. Should be
22 Exhibit 14.

23 A. Refreshing.

24 [REDACTED]

25 Q. Yes.

1 So this is an e-mail that you received
2 from [REDACTED]

3 A. You mean [REDACTED], not me.

4 Q. Well, [REDACTED]
5 Do you see that? End of the third or fourth
6 line.

7 A. Oh, way over there. Yeah, I see it. I
8 see it.

9 Q. Yeah.

10 The [REDACTED]

[REDACTED]

12 A. Yes.

13 Q. And [REDACTED]

[REDACTED]

15 Fannin County is a county in Georgia;
16 is that right?

17 A. My geography's not that great. There's
18 159 of them. I don't know all their names.

19 Q. All right. [REDACTED]

[REDACTED]

[REDACTED]

22 Do you see that in the middle of the
23 first page?

24 And do you see that [REDACTED]

[REDACTED]

1 A. Yeah.

2 Q. [REDACTED]

3 [REDACTED]

4 Do you see that?

5 A. Yes.

6 Q. Are you familiar with them?

7 A. [REDACTED]

8 Q. Yes.

9 [REDACTED] [REDACTED] [REDACTED]

10 [REDACTED] [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED] [REDACTED]

12 [REDACTED]

13 [REDACTED] [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED] [REDACTED]

16 [REDACTED]

17 [REDACTED] [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED] [REDACTED]

20 [REDACTED]

21 Q. Okay. If you come down to the bottom
22 of the [REDACTED]

23 [REDACTED]

24 A. Yes.

25 [REDACTED] [REDACTED] page,

- [REDACTED]
- [REDACTED]
- [REDACTED] [REDACTED]
- [REDACTED]

6 A. Yes.

10 A. Yes.

13 A. No, I don't.

Y

4 Q. Okay.

18

Response	Percentage
Yes	18%
No	82%

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9 (Exhibit 15: [REDACTED])

[REDACTED] marked
11 for identification, as of this date.)

12 Q. Okay. So grab Exhibit 15, if you
13 would, please.

14 A. [REDACTED]

[REDACTED]

16 Q. Yes.

17 So this is an [REDACTED]

[REDACTED]

19 Do you see that?

20 A. Okay.

21 Q. And if you come down to the earliest
22 e-mail on the thread at [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 Do you see that?

2 A. Are you on the last page?

3 Q. I'm at the top of the last page, bottom
4 of the second to last page.

5 A. Oh, yeah, yeah, yeah, yeah, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

13 Do you see that?

14 A. Yep.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

19 Do you see that?

20 A. Yes.

[REDACTED]

[REDACTED]

23 Do you see that?

[REDACTED]

25 Q. And then if you keep scrolling up

1 you'll see on -- [REDACTED]

[REDACTED]

[REDACTED]

4 Do you see that?

5 A. Yes.

6 Q. And that one is to you, right?

7 A. Yep.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] So

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11 Q. And what's the basis for your
12 understanding that it was remediated?

13 A. It seems to me I had a conversation
14 with Dave afterwards that he had worked with them
15 to -- to understand -- you know, explain to them
16 what it was to fix. I think they actually pulled
17 the page down until they could fix it.

18 (Exhibit 16: [REDACTED]
[REDACTED] marked
20 for identification, as of this date.)

21 Q. Okay. All right. Grab Exhibit 16,
22 please.

23 [REDACTED]
[REDACTED]

25 Q. Yes.

1 So this is an e-mail you can see that

2 [REDACTED]

3 [REDACTED]

4 A. Yes, yes.

5 Q. And if you come down the beginning of
6 the thread it begins with an [REDACTED]

7 [REDACTED]

8 Do you see that?

9 A. Yes.

10 [REDACTED]

11 [REDACTED]

12 A. Okay.

13 [REDACTED]

14 [REDACTED]

15 Do you see that?

16 A. Yes.

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 A. Yes.

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11 A. Yes.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

17 Do you see that?

18 A. Yes.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

23 MR. DENTON: Objection.

24 A. I can't speak to that.

25 Q. Okay.

1 A. I know he -- Dave was a hard-core
2 security person and he didn't like -- he was
3 basically -- was very much this is how he felt
4 things should be done. People doing something a
5 different way rubbed him. So this doesn't
6 surprise me.

7 Q. And Hamilton was the chief information
8 security officer while he was at the Secretary's
9 office, right?

10 A. Yes.

11 Q. Okay.

12 A. He did a good job.

17 Do you see that?

18 A. Yep.

21 A. Yes.

25 A. As I said --

1 MR. DENTON: Objection.

2 A. -- Dave was a -- I'll say a
3 perfectionist. He was very judgmental of other
4 people. And if they didn't do things his way, he
5 wasn't satisfied. There are lots of people in
6 the securities world. Dave was a very hard-core
7 and that he had his vision of how things should
8 be done. Not that his was the only way to do
9 something, but he had his way and he spoke his
10 mind. [REDACTED] [REDACTED]

[REDACTED]
[REDACTED]
13 Now, did Dave have a harder view on
14 things and drive the organization better? Yeah,
15 he did. That's why he essentially replaced
16 James. But James did what he was supposed to do.
17 He worked within the legal law of what
18 requirements were. [REDACTED]

[REDACTED]
[REDACTED] Security is a broad
21 topic. Dave was very opinionated and he
22 basically would voice his opinion all the time.

23 [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]

5 MR. DENTON: Objection.

6 A. [REDACTED]

■ [REDACTED] I know he and I have talked about
8 this on multiple occasions. As I said, he was a
9 perfectionist. The attestation applies only,
10 only to the voting -- voter registration system,
11 the election system. Dave felt it should apply
12 to all things that the Secretary of State
13 managed. But the attestation specifically only
14 applied to election. So Dave was always on a --
15 on a course to say we should have things like
16 artifacts that cover everything, whether it's the
17 corporate registration system, whether it is the
18 security system, professional licensing system.
19 He felt all of them should fall under the same
20 level of security that elections did. But the
21 attestation clearly does not include anything but
22 elections. And that was always a rub to Dave.

23 Does that answer your question?

24 Q. I think so. I was going to grab
25 another exhibit for you.

1 A. Oh, all right I didn't -- one of those
2 pregnant pause moments --

3 Q. Yes. Sorry.

4 (Exhibit 17: [REDACTED])

5 [REDACTED] marked
6 for identification, as of this date.)

7 Q. All right. Grab Exhibit 17.

8 A. This looks like it's the same topic.

9 Q. Yes, yes, a little bit earlier. So I
10 wanted to -- a little more context.

11 So if you go to the top, you'll see
12 this is [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 A. Okay.

16 Q. If you come down in the [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 Do you see that?

21 A. Yes.

22 Q. What is the [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

17 A. No. I've lost you. I'm down on the
18 first -- bottom of the first page.

[illegible]

19 MR. DENTON: Objection.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8 Q. Okay.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

16 Q. All right.

[REDACTED]

18 Q. The Secretary's office has announced
19 that they're actually moving away from E-Net,
20 right?

21 A. Yes.

22 Q. And why is that?

23 A. It's an old system, to start with.

24 Civix has changed vendors -- or has been

25 purchased I think at least twice, maybe three

1 times in the last four years, four or five years.

2 Q. When was the decision made to move away
3 from E-Net?

4 A. Last year.

5 Q. Who made that decision?

6 A. Front office.

7 Q. And by front office who do you mean?

8 A. Secretary.

9 Q. Oh, Secretary Raffensperger?

10 A. Yes. Those kind of decisions, it comes
11 down to him to make the call. We present
12 proposals and it's up to him to say yay, nay.

13 Q. What --

14 A. It's a big decision.

15 Q. Sorry.

16 A. Yeah, that was a big, big decision.

17 Q. What were those specific reasons that
18 he decided to move -- to replace E-Net?

19 A. One was the age, one was the ability
20 for us to get, like this, certain fixes put in
21 place that we wanted to see. Some of it was
22 security related, some was just functionality
23 related. The application was built I think like
24 in 2012 when we first purchased it. And the --
25 but the actual application was probably built a

1 year or two before that. So the core code was
2 ten years old. Getting very old. Technology has
3 changed. So it was time to look at another
4 solution. We were in the process of also looking
5 at some of our other systems and we decided to do
6 basically an overall refit of everything.

7 Q. What's the new solution that you're
8 bringing in in place of E-Net?

9 A. I think they've announced -- already
10 announced that it's Salesforce based.

11 Q. And will that be a cloud solution
12 hosted by Salesforce?

13 A. Yes.

14 Q. Okay. What's the process for migrating
15 data from E-Net to Salesforce; do you know?

16 A. It hasn't been done yet. We're in the
17 process of trying to come up with a migration
18 plan.

19 (Exhibit 18: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] marked for
23 identification, as of this date.)

24 Q. All right. Grab Exhibit 18, please.

25 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6 Do you see that?

7 A. Yes.

8 Q. And this is dated [REDACTED] .

9 Do you see that on the front page?

10 A. Yes, I've got it.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

23 A. Yeah.

24 Q. So okay. I'm sorry, you said yes?

25 A. Yes, I did.

7 Q. Okay.

8 A. We probably talked through it.

25

Do you see that?

1 We're off the record.

2 (A BRIEF RECESS WAS TAKEN.)

3 THE VIDEOGRAPHER: The time is 2:40.

4 We're back on the record.

5 (Exhibit 19: [REDACTED]

6 [REDACTED] marked for identification,
7 as of this date.)

8 Q. All right. Mr. Beaver, can you grab
9 the next exhibit, please.

10 A. Exhibit 19?

11 Q. Yes, sir, Exhibit 19.

12 [REDACTED]

13 Q. Yes.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

19 Do you see that?

20 A. Yes.

[REDACTED]

[REDACTED]

23 A. Okay. Yes. I don't see the
24 attachment, but yes.

25 Q. Yeah.

1

█

█

█

█

█

█

█

Give me one second.

9

A. So should I have move to that one?

10

Q. Yes. As soon as I can get it up. Hold

11

on. Trying to put the label where it's not

12

blocking anything. That's unfortunate.

13

Ah, there we go.

14

Okay. All right. Grab Exhibit 20. It

15

should pop up in a second.

16

A. Got it.

█

█

█

█

█

█

█

█

█

A diagram consisting of a vertical list of 10 items. Each item is represented by a small black square on the left and a horizontal black bar of varying length and position to its right. The bars vary in length and vertical alignment, suggesting a sequence or hierarchy.

9 Do you see that?

10 A. Yes. I can hardly read it, but yes.

[illegible]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[illegible]

15 A. Yep.

A series of horizontal black bars of varying lengths and positions, resembling a barcode or a stylized text representation. The bars are arranged in a vertical sequence, with some bars spanning the full width of the image and others being shorter and offset.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

17 Q. Who has Dave Hamilton's
18 responsibilities now as the CISO?

19 A. So it's tied between Kevin Fitts and
20 Fortalice. Dave is hard to replace.

21 Q. How long has Kevin Fitts been with your
22 office?

23 A. About eight years.

24 Q. And he reports to you?

25 A. Yes.

1 Q. And what responsibilities does
2 Fortalice have for filling in part of the CISO
3 role?

4 A. So the key strategic where do we go,
5 what are the core elements that we need to work
6 on, Kevin Fitts does not have that level of
7 experience of a CISO. He is not a CISO. He's a
8 manager, he's certified in security. But he
9 doesn't have the years of experience Dave had.
10 So until we figure out how to replace Dave, Kevin
11 is helping me fill in the position of helping to
12 manage the day-to-day.

13 I mean, so for like risk registers,
14 once it's been identified where the issues are,
15 we need to start working -- working a plan on
16 each of these. And each of these could take
17 months to fix. And some of them that are what
18 are considered high risk maybe probability is
19 someone actually attacking it is really low. But
20 if they were to find it, it would cause a
21 problem.

22 So his task is working with Fortalice
23 to identify all right, let's work on these five
24 things first. Because you can only do so much at
25 a time. It's a working environment. This is not

1 some, you know, academic world that work doesn't
2 go around. They just work on building the best
3 system in the world, but nobody really uses it.
4 This is a working environment. Things happen
5 every day. So this is a good list. This is the
6 list that we work off of to help prioritize,
7 okay, we need to work on these three things
8 first. And they aren't necessarily the top three
9 because the top one may take replacing an entire
10 system. So we have to go through and figure out
11 okay, the really bad ones, if we can't fix right
12 away, what can we do to remediate or block or
13 protect ourselves in case somebody does penetrate
14 them. We talked about that earlier. Sometimes
15 you actually shield off a system, move it outside
16 the firewall into its own corral to know that if
17 it gets breached, it doesn't impact anybody else.
18 You do extra things like back it up, make sure
19 nothing that you can lose is out there. Those
20 kinds of activities. Because it's a high -- and
21 I have to use it, but I don't have a fix right
22 away. So you remediate it in different ways. So
23 but I can't -- I don't have a list here of which
24 ones are the worst or the best. That would take
25 some analysis and time.

1 Q. Okay.

2 A. The important thing here is we track
3 what our weaknesses are and we work toward fixing
4 them. Too many organizations that I've seen do
5 turn a blind eye to try to keep track of this.
6 This is what's made our organization strong
7 security-wise is we keep track of it, we hold
8 ourselves accountable.

9 Q. And sorry, Mr. Beaver, if I asked you
10 this earlier, but I can't remember. We talked
11 about, you know, possible forensic examination of
12 voting equipment like BMDs and printers and
13 scanners. Do you know why that has not been done
14 in Georgia?

15 MR. DENTON: Objection.

16 A. No. I have not been involved in a
17 question about doing that. So I don't have -- I
18 couldn't answer you either way.

19 Q. So that's not something you've proposed
20 as the CIO; is that fair?

21 A. That is fair.

22 Q. Okay. And are you aware of any
23 discussion or consideration at the Secretary's
24 office about doing that or you've just not heard
25 anything like that?

1 A. Correct. I have not heard anything.

2 Q. Okay. Who would have the authority to
3 make the decision to do that type of analysis?

4 A. It would be between the election
5 center, the elections department, Gabe Sterling
6 and the Secretary. If an issue bubbled up that
7 pointed to a risk, meaning it's verified that
8 something has happened that shows that something,
9 you know, has happened, yeah, we probably would
10 act on it. If we get an e-mail from somebody
11 saying I'm going to start hacking your system,
12 beware, that's probably not enough information to
13 jump on, oh, let's run a test on all the stuff.

14 Q. Okay.

15 A. And you've seen it.

16 Q. Are you familiar with something called
17 the SolarWinds hack?

18 A. Yes.

19 Q. And do you recall that nine Georgia
20 counties, there was evidence that they may have
21 downloaded malware related to that hack in
22 February of 2021?

23 A. I didn't know the count. I knew that
24 there were some counties that were vulnerable.

25 Q. Were you involved in any investigation

1 into whether the solar wind hack created any
2 compromise of any Georgia counties?

3 A. Not Georgia counties. We focused on
4 our own environment.

5 Q. What investigation was done with
6 respect to the Secretary's environment related to
7 the SolarWinds hack?

8 A. We went through and did a full search
9 of all of our systems to see if there was any
10 solar winds applications that were vulnerable
11 within our systems. We came back with negative.

12 Q. How did you do that?

13 A. We did an inventory of all of our
14 applications to see if any of them used solar
15 winds. And then if they did use solar winds,
16 which we do use, we went back and verified
17 whether or not it was in the group that were
18 vulnerable and what we had was not.

19 Q. And how did you determine -- determine
20 what group was vulnerable?

21 A. SolarWinds published that information.

22 Q. You looked to see that it -- whether
23 anyone in the Secretary's office was using
24 SolarWinds applications that SolarWinds had
25 identified as being potentially vulnerable?

1 A. Correct. Meaning when you say office,
2 the only people that would have used SolarWinds
3 would have been the SOS IT group. So we only
4 have to check ourselves. It's not an application
5 that your regular office people would use.

6 Q. And --

7 A. A small group of people that would use
8 it.

9 Q. And your investigation found that no
10 one in the Secretary's office among those you
11 would expect to use it, it sounds like you're in
12 the IT department, were using any of the
13 SolarWinds applications that SolarWinds
14 identified as potentially vulnerable; is that
15 right?

16 A. Correct. Correct.

17 Q. Do you recall a situation involving a
18 ransomware infection related to the Jekyll Island
19 authority?

20 A. No. I don't know which -- was it
21 recent or a long time ago?

22 Q. September 2020. Let me -- I can show a
23 document to help. Hang on a second.

24 A. Was it a county office?

25 Q. I'm not sure. I'm hoping you can help

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

11 (Exhibit 22: Document entitled

12 [REDACTED]

[REDACTED] marked for

14 identification, as of this date.)

15 Q. All right. Grab Exhibit 22, please.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

24 A. Yes.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6 A. So whenever --

7 MR. DENTON: Objection.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

18 Q. Okay. Does the Secretary's office do
19 random phishing testing for its employees?

20 A. Yes. We contract with a company called
21 KnowBe4.

22 Q. How do you spell that?

23 A. I have no idea.

24 Q. Okay.

25 A. I don't know if it's K-N-O-W or N-O. I

1 think it's K-N-O-W Be4, but I won't swear to it.

2 Q. Okay.

3 A. If someone Googles it, they'll figure
4 it out.

5 Q. Is that company -- when they do the
6 random phishing testing, do they generate
7 reports, written reports?

8 A. Yes, they do. And KnowBe4 the
9 company's solution actually comes as part of our
10 annual cyber insurance policy. So the state
11 signs -- created a cyber insurance policy and
12 part of paying your paid -- part of the cyber
13 insurance each agency gets basically an agreement
14 with KnowBe4.

15 Q. Do you personally receive their random
16 phishing testing reports?

17 A. No, I don't.

18 Q. Who receives those?

19 A. Somebody on my security team goes and
20 gets it.

21 Q. And is that -- how often is that
22 testing done?

23 A. Quarterly.

24 Q. Are you aware of the -- the findings in
25 those reports or do you rely on other folks to

1 review those?

2 A. I -- about a year ago I started asking
3 about them because I was hearing from GTA that
4 agencies were really falling off their compliance
5 in taking them. And I went and checked and we
6 too had fallen off, meaning, you know, we're down
7 to -- in the 70 percentiles of people taking it.
8 So I asked my security team to go in and figure
9 out what the heck's going on.

10 Where the problem lie -- seem to lie
11 was GTA, who runs the whole thing, wasn't taking
12 people that had left the business off the report.
13 So people that had left were still being counted
14 as not taking the test. So it took -- and
15 they're supposed to have fixed it. I don't think
16 it's fixed as of today, that reporting.

17 Q. So were you able to confirm whether the
18 Secretary's office was actually doing the random
19 phishing testing for everyone who was supposed
20 to?

21 A. Yes, it was actually being sent to more
22 than our people. It was sent to our people and
23 the people that had left, which, of course, those
24 e-mails were going nowhere.

25 Q. And do you know whether employees had

1 fallen for the phishing testing over the years?

2 A. Sure. We used to send out messages in
3 the beginning about, you know, bad performance.
4 I mean, we didn't get a lot. But we got a
5 handful. And we basically tried different
6 approaches, the shame approach, the -- the -- you
7 know, maybe this department is doing so much
8 better than another department, trying different
9 ways to influence people to -- to try harder.

10 And then over time they've gotten very well. And
11 I would say phishing has -- the phishing test has
12 really sharpened our peoples' ability to tell
13 when an e-mail comes in to a point that we get
14 lots of e-mails that you're totally legitimate,
15 but people are calling saying hey, what is this
16 thing? So they're probably overly sensitive now.

17 Q. Have you ever had a year where no one
18 fell for the phishing test?

19 A. I don't think so. That's not reality,
20 probably.

21 Q. Are you familiar with an organization
22 called Secureworks?

23 A. Yes. Dell -- company from Dell. We
24 used to use them.

25 Q. Right.

1 I was going to say, that's an
2 organization that you -- the Secretary's office
3 used to use to help with cybersecurity; is that
4 right?

5 A. Yes.

6 Q. Why did the Secretary's office
7 terminate its relationship with Secureworks?

8 A. Essentially it was redundant. We had
9 moved to Palo Alto to do our security and
10 Cybraics. And those two vendors covered the same
11 platform space that Secureworks did. So it was
12 redundant. We double ran them I think for about
13 a year, we ran both, and didn't find that
14 Secureworks was doing any better, you know,
15 finding anything that the other two weren't
16 finding. So we turned them off. And they were
17 very expensive.

18 (Exhibit 23: [REDACTED]
19 [REDACTED] marked
20 for identification, as of this date.)

21 Q. All right. Let me give you another
22 exhibit here. So grab Exhibit 23, if you would.

[REDACTED] [REDACTED] [REDACTED]

24 Q. Yes.

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10 Do you see that?

11 A. Yes.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[illegible]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9 Q. What is -- so is TeamViewer still used
10 by the state today?

11 A. Yes.

12 Q. And what is Team -- what is -- strike
13 that.

14 What is -- what is the state -- or the
15 Secretary's office use TeamViewer for?

16 A. So the counties -- whenever they're
17 having problems, whether it's E-Net related or
18 anything to do with voter registration,
19 transferring files and things like that, we find
20 is that trying to walk somebody through that's
21 very low skill in computers, just walking them
22 through what to do say, okay, click on this
23 button, do this, they still get lost. And so
24 it's easier for our liaisons, those are the
25 people that work in elections that work with each

1 of the counties, I think we have four or five of
2 them, they -- it's found that it's much faster to
3 just log onto the county's desktop and say here,
4 let's practice this together. So they use it to
5 help the counties guide them through how to use
6 election systems applications.

7 Q. So it's -- it's a remote desktop access
8 to tool, right?

9 A. Yes.

10 Q. Got it.

11 A. And it's used worldwide. It's one of
12 the more popular ones.

13 Am I on another one?

14 Q. Yeah, in a moment. Trying to winnow
15 down a few things so I can get you out of here.

16 A. Okay. You're making me really work my
17 brain.

18 Q. That's how it goes in a deposition.

19 A. I hope they upgrade me to comfort plus,
20 then I'll at least get a drink this evening.

21 Q. What are you on, Delta?

22 A. Yep.

23 Q. I'd give you one of my drink vouchers.
24 But I don't know, maybe that's not appropriate.

25 All right. Yeah, let me grab this.

1 (Exhibit 24: [REDACTED]
[REDACTED] marked
3 for identification, as of this date.)

4 Q. All right. Grab -- I think we're on
5 23. Give me one second.

6 A. I'm at 24.

7 Q. Oh, 24, yes. Thank you.
8 Just let me know when you've got that.

9 A. I'm in.

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

12 A. It's still spinning.

13 Q. Okay.

14 A. All right. 24, click on it. Yes. Oh,
15 there you go.

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED].

19 Do you see that?

20 A. Yep.

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

24 Q. Okay.

[REDACTED] [REDACTED]

[illegible]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9 A. The -- what I get a lot of is people,
10 like, saying oh, I see you're the information
11 manager, could you tell me this information?

12 Q. Okay. That's kind of funny.

13 A. I just -- yeah, I tell them, do you
14 need a laptop fixed? I can help you with that.

15 Q. Some people don't understand the CIO
16 role.

17 A. Correct.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

13 Q. Okay.

14 A. But you can see Secretary called a lot
15 to help the counties.

16 (Exhibit 25: [REDACTED]
[REDACTED] marked for identification,
18 as of this date.)

19 Q. All right. Grab Exhibit 25, please.

[REDACTED]

21 Q. Yeah, you see Exhibit 25 is a -- [REDACTED]

[REDACTED]

[REDACTED]

24 A. Yes.

[REDACTED]

The diagram consists of 12 horizontal rows, each containing one or more black rectangular bars. The bars vary in their starting and ending positions relative to the left and right edges of the frame. The arrangement of these bars represents a binary sequence, where the presence of a bar in a specific row and position corresponds to a '1' and the absence to a '0'. The pattern of bars is as follows:

- Row 1: A single bar starting at the left edge and ending at approximately 1/4 of the width.
- Row 2: Three bars. The first starts at approximately 1/4 of the width and ends at 1/2. The second starts at 1/2 and ends at 3/4. The third starts at 3/4 and ends at the right edge.
- Row 3: A single bar starting at the left edge and ending at approximately 1/4 of the width.
- Row 4: Four bars. The first starts at approximately 1/4 of the width and ends at 1/2. The second starts at 1/2 and ends at 3/4. The third starts at 3/4 and ends at approximately 7/8. The fourth starts at approximately 7/8 and ends at the right edge.
- Row 5: A single bar starting at the left edge and ending at approximately 6/8 of the width.
- Row 6: A single bar starting at approximately 2/4 of the width and ending at the right edge.
- Row 7: A single bar starting at the left edge and ending at the right edge (full width).
- Row 8: Two bars. The first starts at the left edge and ends at approximately 6/8 of the width. The second starts at approximately 7/8 and ends at the right edge.
- Row 9: Two bars. The first starts at the left edge and ends at approximately 9/8 of the width. The second starts at the right edge and extends beyond the frame to the right.
- Row 10: A single bar starting at the left edge and ending at the right edge (full width).
- Row 11: A single bar starting at the left edge and ending at approximately 5/8 of the width.
- Row 12: A single bar starting at the left edge and ending at the right edge (full width).

12 Do you see that?

13 A. Yes.

A 12x10 grid of black and white squares. The pattern of black squares is as follows:
Row 1: (1,1), (1,3), (1,4), (1,5), (1,6), (1,7), (1,8), (1,9), (1,10), (1,11), (1,12)
Row 2: (2,1), (2,2), (2,3), (2,4), (2,5), (2,6), (2,7), (2,8), (2,9), (2,10), (2,11), (2,12)
Row 3: (3,1), (3,2), (3,3), (3,4), (3,5), (3,6), (3,7), (3,8), (3,9), (3,10), (3,11), (3,12)
Row 4: (4,1), (4,2), (4,3), (4,4), (4,5), (4,6), (4,7), (4,8), (4,9), (4,10), (4,11), (4,12)
Row 5: (5,1), (5,2), (5,3), (5,4), (5,5), (5,6), (5,7), (5,8), (5,9), (5,10), (5,11), (5,12)
Row 6: (6,1), (6,2), (6,3), (6,4), (6,5), (6,6), (6,7), (6,8), (6,9), (6,10), (6,11), (6,12)
Row 7: (7,1), (7,2), (7,3), (7,4), (7,5), (7,6), (7,7), (7,8), (7,9), (7,10), (7,11), (7,12)
Row 8: (8,1), (8,2), (8,3), (8,4), (8,5), (8,6), (8,7), (8,8), (8,9), (8,10), (8,11), (8,12)
Row 9: (9,1), (9,2), (9,3), (9,4), (9,5), (9,6), (9,7), (9,8), (9,9), (9,10), (9,11), (9,12)
Row 10: (10,1), (10,2), (10,3), (10,4), (10,5), (10,6), (10,7), (10,8), (10,9), (10,10), (10,11), (10,12)
Row 11: (11,1), (11,2), (11,3), (11,4), (11,5), (11,6), (11,7), (11,8), (11,9), (11,10), (11,11), (11,12)
Row 12: (12,1), (12,2), (12,3), (12,4), (12,5), (12,6), (12,7), (12,8), (12,9), (12,10), (12,11), (12,12)
The overall shape formed by the black squares is a stylized letter 'A'.

█ [REDACTED] [REDACTED] [REDACTED]

█ [REDACTED]

3 Q. And to be clear, Mr. Beaver, I'm not
4 asking you to guess. If you don't remember,
5 that's fine.

█ [REDACTED]

█ [REDACTED]

█ [REDACTED] [REDACTED] [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED] [REDACTED]

12 A. We have -- it was prior to that big
13 election that had so much going on. Things were
14 happening every day.

█ [REDACTED] [REDACTED] [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED] [REDACTED] [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED] [REDACTED] [REDACTED]

█ [REDACTED] [REDACTED] [REDACTED]

█ [REDACTED] [REDACTED] [REDACTED]

[illegible]

21 Q. And what --

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11 Q. All right. Let me pull up the next

12 exhibit. Give me one second.

13 (Exhibit 26: [REDACTED])

[REDACTED] marked

15 for identification, as of this date.)

16 Q. All right. Grab Exhibit 26, please.

17 A. Still spinning.

18 Q. Oh.

19 A. Kevin Robertson again.

20 Q. Yes. And you'll see this is an [REDACTED]

[REDACTED]

[REDACTED]

23 A. Okay. Yep.

[REDACTED]

[REDACTED]

[illegible]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10 (Exhibit 27: [REDACTED])

[REDACTED] marked
12 for identification, as of this date.)

13 Q. Okay. All right. Grab Exhibit 27,
14 please.

[REDACTED]

16 Q. Yes.

[REDACTED]

[REDACTED]

19 Do you see that?

20 A. Yes.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 A. Um-hum.

[illegible]

25

MR. DENTON: Mr. Beaver, make sure --

1 if you're answering questions about the
2 document, make sure you have the time to
3 look at it so you can answer David's
4 question.

5 A. Okay. So I'm not positive about what
6 this one is specifically talking to. I can only
7 speculate.

8 Q. Yeah, and --

9 A. What it sounds like -- you know, I --
10 more details, I can't tell you.

11 Q. That's fine. And, again, I'm not
12 asking you to guess. So if you don't remember
13 [REDACTED],
14 that's fine. So you just -- you just don't
15 remember specifics about this?

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The image displays a vertical sequence of 25 horizontal black bars. These bars vary in their starting and ending horizontal positions, creating a jagged, stepped appearance on the left side. The bars are solid black and are set against a plain white background. This visual representation is a common way to indicate that the content of a document has been fully redacted.

A series of 12 horizontal black bars of varying lengths and positions, representing a redacted list of names and addresses. The bars are arranged in a vertical column, with some bars spanning the width of the page and others being shorter and indented.

13 Q. All right. Let's go off the record.
14 Trying to narrow down some stuff I want to look
15 at just so I can make sure I can get you out of
16 here, Mr. Beaver.

17 A. Okay.

18 THE VIDEOGRAPHER: The time is 3:39

19 We're off the record.

20 (A BRIEF RECESS WAS TAKEN.)

21 THE VIDEOGRAPHER: The time is 3:50

22 We're back on the record.

23 BY MR. CROSS:

24 Q. All right. Mr. Beaver, if you can go
25 into the list of exhibits, you'll see there's now

1 2 -- Exhibit Number 20.

2 A. Oh, let me refresh. Yes.

3 Q. All right. So open -- let me get the
4 right --

5 A. Look at what size it is. It's the 1.2
6 or the 420.

7 Q. Hold on one second.

█ [REDACTED]
█ [REDACTED] [REDACTED] [REDACTED]
█ [REDACTED]
█ [REDACTED] [REDACTED] [REDACTED]
█ [REDACTED] [REDACTED]
█ [REDACTED]
█ [REDACTED]
█ [REDACTED]
█ [REDACTED]
█ [REDACTED]

16 A. Yes.

█ [REDACTED]
█ [REDACTED]
█ [REDACTED]
█ [REDACTED]

21 Do you see that?

22 A. Yes.

23 Q. Who is --

█ [REDACTED]
█ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

16 A. No, I don't.

17 Q. Okay.

18 A. Doesn't mean he isn't. I just don't
19 know.

20 Q. Understood.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Row	Bar Length (approx. % of total width)
1	95
2	90
3	98
4	95
5	80
6	25
7	40
8	100
9	50

10 A. Yes.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7 Do you see that?

8 A. Yep.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[illegible]

[illegible]

[illegible]

9 MR. DENTON: Objection.

[illegible]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8 Q. Okay. All right. Oh, why doesn't this
9 have an exhibit label. Shoot.

10 All right. There are three more
11 documents I want to touch on if we have time.
12 For some reason they came -- look at the -- in
13 the marked folders, the last three. Do you see
14 the one State Defendant 00158640?

15 A. What's the Exhibit -- oh, yeah, yeah,
16 there's three of those. Okay. 640. Got it.
17 That's the first one.

18 (Exhibit 28: E-mail from Nick Salsman
19 dated 8/14/2020 marked for identification,
20 as of this date.)

21 Q. That's going to be Exhibit 28. So open
22 that as Exhibit 28, if you would.

23 A. Okay. From Nick Salsman.

24 Q. Yes. This is an e-mail from Nick
25 Salsman to Dave Hamilton on August 14, 2020,

1 right?

2 A. Yep.

3 Q. And the subject line is election center
4 infrastructure server and then proposed changes.

5 Do you see that?

6 A. Yes.

7 Q. What is -- it indicates Nick Salsman is
8 with something called Basecamp. What is that?

9 A. Basecamp is our project management
10 system. So if we have a project going on, we
11 track the activity in the project, the status of
12 the project in Basecamp. And so he has an
13 account in Basecamp for building out this server.
14 The election center server was a project he was
15 working on.

16 Q. So Nick Salsman is a Secretary
17 employee?

18 A. Yes. Was.

19 Q. Okay. And he was in the IT department?

20 A. He was in the security group.

21 Q. When did he leave?

22 A. Over a year ago.

23 Q. Got it.

24 So sometime in 2020 you think?

25 A. '21.

1 Q. '21, okay.

2 A. Last year. Maybe not over a year ago.

3 Last year.

4 Q. So Basecamp is a -- it's some sort of
5 tool that helps you track this type of, like,
6 projects, helps us to track projects?

7 A. It's a project management tool. Very
8 common tool.

9 Q. For some reason I couldn't come up with
10 the language for project management tool. So
11 thank you for making it simple.

12 All right. So I had a few questions on
13 this. If you come down to Mr. Salsman's e-mail
14 concerning changes to the election center
15 infrastructure server, if you come down where --
16 do you see where it says we'll stay in place?
17 It's kind of the middle of the page. You see --

18 A. The second page or the first page?

19 Q. First page, first page.

20 A. Oh, yeah, yeah, will stay in place,
21 yes.

22 Q. And below that it reads -- there's a
23 bullet, new democracy suite, Dominion, Windows 10
24 based client, unsure about supporting back end
25 requirements other than SQL server 2005, two

1 question marks and confirm version build.

2 Do you see that?

3 A. Yes.

4 Q. What's the reference to Windows 10 here
5 with respect to the democracy suite for Dominion?

6 A. That -- the people that are working in
7 the application, what's on the desktop? Remember
8 we talked about you asked about putting new
9 laptops or desktops on people, that's what those
10 are. And they're all Windows 10 based.

11 Q. So does the Dominion democracy suite
12 software sit on desktops as well?

13 A. You access it from your desktop. But
14 those desktops have to be in the air gapped
15 network. So we put brand new equipment in there
16 and they're all Windows 10.

17 Q. I see.

18 Okay. So just so I understand, the
19 operating system for the BMDs is Android?

20 A. Correct.

21 Q. But the operating system for the
22 desktops that are within the -- within the --

23 A. -- building environment, yeah.

24 Q. Right.

25 Those -- those operate on a Windows

1 operating system?

2 A. Yes. We talked about putting Word on
3 them and Adobe. Those were all for those
4 machines, not for the Dom- -- not for the
5 Dominion BMDs.

6 Q. Got it.

7 Okay. Is Windows -- strike that.

8 So Windows is also installed on the
9 state EMS, right? Because that -- right?

10 MR. DENTON: Objection.

11 Q. And on the server is what I'm talking
12 about.

13 A. I believe it's Linux. Could be
14 Windows. I am not positive.

15 Q. Okay. You just don't know one way or
16 the other?

17 A. I don't know what the server itself was
18 set up with. I -- I -- I remember we talked
19 about it. Linux was going to be used because we
20 could use something called VMware on it.

21 Q. And what do you use VMware for on the
22 EMS server?

23 A. It creates -- takes a server and it
24 creates sort of virtual servers. That's what
25 VMware, virtual ware. So it creates virtual

1 servers so I could have multiple servers. And
2 what we did was create virtual desktops for the
3 people to use so, actually, code doesn't transfer
4 over the network to that PC that's on their
5 desktop. They use a browser window into a
6 virtual desktop that sits on the server. It's
7 just the configuration we did.

8 Q. How are the PCs that access the EMS
9 server -- what is the -- what are the mechanics
10 of connecting to that server?

11 A. It's an Ethernet hard-wired cable.

12 Q. And so when people are working on those
13 PCs, are they sitting in a room physically with
14 the server or where are they sitting?

15 A. No. In their desks. That's why we had
16 to run new wires in the wall.

17 Q. Oh, I see. So the people who have
18 access to the EMS server, they work from their
19 offices on a PC that's hard-wired to the server
20 and that server sits in some room somewhere; is
21 that correct?

22 A. A caged room.

23 Q. Okay.

24 A. Elsewhere in the building.

25 Q. Okay.

1 A. So the typical configuration of the
2 office is you have a desk on one side, you turn
3 one way and you're working on your PC for daily
4 e-mail and stuff and it's tied to the Internet.
5 And you turn around and you face the opposite
6 direction and you're working on PC that's on the
7 air gap network.

8 Q. Got it.

9 Okay. And so I may have said this
10 before. How many people have those PCs in their
11 offices? Just approximately.

12 A. Oh, five, maybe eight. It's depending
13 on -- I think at the beginning when we had a big
14 push we had as many as eight. But I think
15 they're down to about five now.

16 Q. Okay. And then if you come to where --
17 see where it says supports SQL Express and Win
18 10, do you see that, just where we were?

19 A. Yes.

20 Q. And then below that it reads, Windows
21 10 running XP guest to access old system.

22 Do you see that?

23 A. Yes.

24 Q. Do you know what that refers to?

25 A. So we were still -- remember we were

1 running in parallel in a different environment,
2 the old GEMS system. Because we hadn't
3 completely switched over. So they were -- as
4 part of the project they had to make sure that
5 they had the machines that could run the old
6 system, they had machines that could run the new
7 system. The old system had to run XP because the
8 GEMS application run -- ran with XP.

9 Q. All right.

10 A. Two totally different environments.

11 Q. And just so I understand, when you say
12 two totally different environments, the Dominion
13 EMS server you said was locked in the cage
14 somewhere. Was the old GEMS system, whatever
15 servers it was still running on, was that locked
16 in a different cage somewhere?

17 A. It was in a different rack. A
18 different rack. You know what a rack is?

19 Q. Yes, yes, yes. So it's all in the same
20 locked cage?

21 A. Locked area.

22 Q. But it's on a different server rack?

23 A. Yes.

24 Q. Got it.

25 And you're saying there were no -- no

1 cables or wires connecting the two servers?

2 A. Correct.

3 Q. And no Wi-Fi connections, no wireless
4 connections?

5 A. Correct. Absolutely, no.

6 Q. Okay.

7 A. And, in fact, down here it verifies
8 that server host VMware 5.5 there.

9 Q. Okay. If you come down still on this
10 -- the next bullet, you see where it says no
11 history of patching anything?

12 Just below where you were, the VMware
13 5.5. Do you know what that refers to, no history
14 of patching --

15 A. Oh, history of patching. Yes, I see
16 that.

17 Q. Do you know what that refers to?

18 A. No, I don't know what an ESXI 6.0. I
19 mean, this is kind of a cryptic document that
20 Nick put out there that -- for his team that were
21 deep into building this thing. So each one of
22 these line items could refer to a different
23 environment. But they would know what it --
24 themselves what it means.

25 Q. Okay. All right. One more question on

1 this document. Come to the second page and go
2 down to the second bullet.

3 A. Yes.

4 Q. See where it says --

5 A. The one that says needs to be able to
6 scan every USB attached storage device?

7 Q. Yes. And it goes on to say, Cannot
8 ensure USB is free from malware, keylogging, et
9 cetera.

10 Do you see that?

11 A. Yes.

12 Q. And do you agree with Mr. Salsman that
13 you cannot actually ensure that USB devices are
14 free from malware, keylogging or similar
15 software?

16 MR. DENTON: Objection.

17 A. So remember we talked about layers of
18 security. The system can't do that. So when you
19 have a known vulnerability, you add another
20 layer. And we talked about this early on is that
21 we have that box that wipes this out because the
22 system couldn't tell that. So that was why we
23 introduced that box.

24 Q. So you agree that you cannot ensure a
25 USB is free from malware or keylogging or similar

1 software, but you're saying that you take
2 additional measures to address for that risk; is
3 that fair?

4 MR. DENTON: Objection.

5 A. Correct. We -- because -- because you
6 can't know for sure, the only way that you can
7 absolutely make sure that it doesn't have it is
8 using something like with the box I described
9 earlier that completes it -- completely wipes it.
10 Then there's nothing on it. And then you start
11 from there.

12 (Exhibit 29: Document entitled Election
13 Office Notes: 10 am 6/15/2020 Meeting
14 marked for identification, as of this
15 date.)

16 Q. Okay. All right. Almost done. Try to
17 do one more document, if we can. Take a look at
18 the next document that's ends in 823. It's the
19 second to last in the folder. And it's State
20 Defendant's 00158823.

21 A. Yes.

22 Q. And so that's going to be Exhibit
23 Number -- yeah, Exhibit 29. And so if you look
24 at this, election office notes from a 10:00 a.m.
25 meeting on June 15, 2020.

1 Do you see that?

2 A. Yes.

3 Q. And it goes -- it reads basic overview,
4 most data provided by Michael Barnes, Nick and
5 Terrence in attendance.

6 Do you know who Nick and Terrence are
7 referenced here?

8 A. Nick was Salzman, that was the guy in
9 the other meeting. And Terrence, I don't
10 remember Terrence's last name, but he was a
11 desktop support person over in the election
12 center at the time. He doesn't work here
13 anymore.

14 Q. If you come down to the third bullet it
15 reads, Each permitted user has to access it via a
16 dedicated desktop computer on that physical
17 network. They then access a XP-based virtual
18 guest.

19 Is that what you were describing
20 earlier where the people who have access to the
21 EMS server, they work through a virtual desktop
22 rather than -- than using their actual desktop?

23 A. Yes. But here he's talking about GEMS,
24 not Dominion.

25 Q. Oh, I'm sorry. What --

1 A. GEMS -- well, because I know GEMS
2 required the XP-based where Dominion requires
3 Windows 10.

4 Q. Got it.

5 A. So he's saying XP-based and then we set
6 that system up when we brought it back from
7 Kennesaw in the same type of environment where we
8 had the GEMS in a virtual and people created --
9 ran virtual desktops that were virtual XP.

10 Q. Got it. Okay. Okay.

11 A. And it speaks to this over and over
12 here. And your count of eight users is just
13 above that.

14 Q. Yep. Thank you. I saw that.

15 And then come down just a few bullets.
16 Do you see the one where it says these desktops
17 have no wireless cards/access?

18 A. Yes.

19 Q. And then it goes on, need to confirm
20 Wi-Fi capabilities of these desktops. Also
21 Bluetooth data transfer being disabled.

22 Do you see that?

23 A. Yes.

24 Q. Do you know what, if anything, was done
25 to confirm Wi-Fi capabilities of those desktops

1 and Bluetooth data transfer being disabled?

2 A. Yeah, that was when we bought them, he
3 was basically describing what he needed for us to
4 purchase. And he was saying these machines can't
5 have Wi-Fi. A lot of machines nowadays come with
6 Bluetooth in them. So we've got to be able to
7 disable the Bluetooth. So he's -- he's
8 describing how he wants this to verify there is
9 no wireless going on in this machine -- these
10 machines.

11 Q. Okay. All right. Well, let me let you
12 go, Mr. Beaver.

13 MR. CROSS: Alex, we're going to hold
14 the deposition open. And we'll send you an
15 e-mail about that. But I don't want to
16 keep Mr. Beaver since he's got to catch a
17 flight.

18 MR. DENTON: And I wanted to return
19 very briefly to one topic. You had asked
20 about e-mails pertaining to the Democratic
21 party hack. Those Bruce Brown has those
22 e-mails. They also were produced as state
23 defendants 200993 beginning page and it
24 looks like 200995. Again, Bruce has those.
25 So I appreciate you're working with us on

1 time today.

2 MR. CROSS: Sure.

3 Thank you, Mr. Beaver. Go get your
4 flight.

5 THE DEPONENT: Thank you. See you.

6 MR. CROSS: See you.

7 THE VIDEOGRAPHER: This concludes the
8 videotaped deposition. The time is 4:17.
9 We're off the record.

10 MR. CROSS: Dario, did you need
11 anything else?

12 THE STENOGRAPHER: If you can please
13 place your orders on the record for the
14 transcript, starting with Mr. Cross.

15 MR. CROSS: I think we have a standing
16 order. We don't need a rush. But we would
17 like the rough as soon as you can
18 reasonably get to it. And then I think the
19 video we always do synched.

20 THE VIDEOGRAPHER: Yes, sir.

21 MR. DENTON: Yeah, Dario, do you know
22 what we requested and asked for these? I'm
23 not sure.

24 THE STENOGRAPHER: I'm sorry, I don't
25 know. But are you saying you have a

1 standing order?

2 MR. DENTON: I suspect we do. I guess
3 we would ask for a draft when ready and the
4 final when -- whenever it's ready normal
5 also.

6 THE STENOGRAPHER: And video?

7 MR. DENTON: I don't think at this
8 time.

9 (TIME NOTED: 4:44 p.m.)

10 (SIGNATURE RESERVED.)

11

12

13

14

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24

25

1 REPORTER'S CERTIFICATE

2

3 I, V. Dario Stanziola, a Certified
4 Court Reporter in the State of Georgia, duly
5 commissioned and authorized to administer oaths
6 and to take and certify depositions, do hereby
7 certify that on Wednesday, February 2, 2022,
8 Sanford Merritt Beaver, being by me personally
9 duly sworn to tell the truth, thereupon testified
10 as above set forth as found in the preceding
11 pages, this examination being recorded
12 stenographically by me verbatim and then reduced
13 to typewritten form by me, that the foregoing is
14 a true and correct transcript of said proceedings
15 to the best of my ability and understanding; that
16 I am not related to any of the parties to this
17 action; that I am not interested in the outcome
18 of this case; that I am not of counsel nor in the
19 employ of any of the parties to this action.

20 IN WITNESS WHEREOF, I have hereto set
21 my hand, this the 8th day of February 2022.

22

<%13745,Signature%>

23

24 V. DARIO STANZIOLA, CCR (GA)(NJ), RPR, CRR
Certification Number: 4531-3928-0743-6288

25

1 Alexander Denton, Esquire

2 adenton@robbinsfirm.com

3 February 9, 2022

4 RE: Curling, Donna v. Raffensperger, Brad

5 2/2/2022, Sanford Merritt Beaver (#5061369)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 cs-midatlantic@veritext.com

16

17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

25

1 Curling, Donna v. Raffensperger, Brad

2 Sanford Merritt Beaver (#5061369)

3 E R R A T A S H E E T

4 PAGE _____ LINE _____ CHANGE _____

5 _____

6 REASON _____

7 PAGE _____ LINE _____ CHANGE _____

8 _____

9 REASON _____

10 PAGE _____ LINE _____ CHANGE _____

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12 REASON _____

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15 REASON _____

16 PAGE _____ LINE _____ CHANGE _____

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18 REASON _____

19 PAGE _____ LINE _____ CHANGE _____

20 _____

21 REASON _____

22 _____

23 _____

24 Sanford Merritt Beaver Date

25

1 Curling, Donna v. Raffensperger, Brad
2 Sanford Merritt Beaver (#5061369)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Sanford Merritt Beaver, do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10

11

12 _____
Sanford Merritt Beaver Date

13 *If notary is required

14

SUBSCRIBED AND SWORN TO BEFORE ME THIS

15

_____ DAY OF _____, 20____.

16

17

18

19

NOTARY PUBLIC

20

21

22

23

24

25